



City of Milwaukee
Common Council Minutes
COMMON COUNCIL

City Hall
200 East Wells Street
Milwaukee, WI 53202

Wednesday, July 30, 2008

9:00 AM

Common Council Chambers

The meeting was called to order at 9:39 a.m.

The roll was called.

Present: 14 -

Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,
Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski, Hines
Jr.

Excused: 1 -

Wade

The Pledge of Allegiance was said followed by an invocation offered by Reverend Doctor Christian Ikanih of Bethany Lutheran Church.

The question was put: Are there any corrections to the Common Council Journal of Proceedings for the regular meeting of July 1, 2008?

There being none, the minutes of that meeting were approved without objection.

Ald. Kovac moved that the Common Council convene itself into a Committee of the Whole for the purpose of making a presentation.

There was no objection.

A presentation was made to Martin G. Collins, commissioner of the Department of Neighborhood Services, on the occasion of his retirement.

Ald. Kovac moved that the Committee of the Whole rise.

There was no objection.

UNFINISHED BUSINESS:

1. [080308](#) Resolution appropriating funds from the Outside Counsel/Expert Witness Fund Special Purpose Account for the purpose of retaining outside legal counsel in a case involving the Board of Zoning Appeals.

Ald. Murphy moved to dispense with the reading of the Mayor's veto message.

There was no objection.

The question was put: Shall the foregoing measure be adopted notwithstanding the objection of the Mayor?

A motion was made by ALD. HINES JR. that this Resolution be VETO OVERRIDDEN. The motion FAILED by the following vote:

Aye: 0

No: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

Excused: 1 - Wade

Various commendatory and condolatory resolutions were read and approved without objection.

THE LICENSES COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [080452](#) A substitute ordinance relating to dispensing single-service alcohol beverages on extended licensed premises.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 90-4-7.8-g of the code is amended to read:

90-4. Classification of Licenses.

7.8. TEMPORARY EXTENSION OF LICENSED PREMISES FOR SPECIAL EVENTS.

g. On-premises Sale. >>g-1.<<A licensee granted a temporary extension of licensed premises for special events may not sell any alcohol or non-alcohol beverages for consumption in bottles, cans and glass containers in the location of the temporary extension of the licensed premises. Beverages may only be sold in single-service cups for on premises consumption in the location of the temporary extension of the licensed premises.

>>g-2. An exception to the limitation on sale of alcohol beverages to single-service cups in subd. 1 may be permitted by the chief of police upon application of an event sponsor or the licensee of the extended premise made at least 60 days prior to the special event. No exception shall be permitted allowing glass containers upon extended premises. The applicant shall include a copy of the application and permit, if issued, and information identifying the sponsor or sponsors of the special event, if any, the reason or reasons for which an exception is sought, the security plan proposed for the event including a specific description of the procedures and policies for assuring the safety of the public, a description of the entertainment or amusement to be provided during the special event, the type and estimated quantity of single-service beverage containers proposed for sale or possession upon the extended premises, and any other information the chief of police may require. The chief of police may permit beverage containers other than single-service cups when, in his or her discretion, considering information in the application and other factors consistent with the health, safety and welfare of the public and of police officers, it is determined that the exception poses no appreciable risk. These factors may include, but are not limited to, past experience with the same or similar special events, the estimated number of participants in the special event, and neighborhood circumstances. The chief of police may, upon cause clearly shown in the application, waive the requirement that an application be made at least 60 days prior to the event.

A motion was made by ALD. BOHL that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

ADOPTION OF THE FOLLOWING:

2. [080461](#) Substitute resolution establishing an Alcohol Beverage Licensing Task Force.
- Whereas, The Common Council's Licenses Committee is responsible for reviewing and making recommendations to the Common Council relating to denying, granting, renewing, nonrenewing, suspending and revoking alcohol beverage licenses in the city; and
- Whereas, The Licenses Committee weighs and considers all available evidence, including input from the applicant, citizens, the district Council member, the Milwaukee Police Department and the City Attorney's Office, prior to rendering any alcohol beverage license recommendation; and
- Whereas, The Common Council, taking under advisement the recommendation of the Licenses Committee, renders the final alcohol beverage license decision; and
- Whereas, While this system has served the citizens of Milwaukee well for over 75 years, recent activities have called into question the integrity of the alcohol beverage licensing process; and
- Whereas, It is imperative that the citizens of the City of Milwaukee, individuals and businesses alike, have an overriding sense of confidence and trust in the alcohol beverage licensing process; and
- Whereas, The creation of an Alcohol Beverage Licensing Task Force, comprised of persons knowledgeable in licensing systems, to thoroughly study, evaluate, and propose changes to the alcohol beverage licensing process is in the best interest of the City of Milwaukee; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that an Alcohol Beverage Licensing Task Force is created and shall consist of the following 9 members:
1. One member appointed by the Common Council President.

2. One member of the Tavern League of Wisconsin, appointed by the Tavern League of Wisconsin.
3. One member of the Great Lakes Beverage Association, appointed by the Great Lakes Beverage Association.
4. One member of the Wisconsin Restaurant Association, appointed by the Wisconsin Restaurant Association.
5. The Mayor or the Mayor's designee.
6. The City Clerk or the Clerk's designee.
7. The Chief of Police or the Chief's designee.
8. The City Comptroller or the Comptroller's designee.
9. The City Attorney or the Attorney's designee.

; and, be it

Further Resolved, That the Common Council President shall designate the Chair of the task force; and, be it

Further Resolved, That the task force is directed to study the current alcohol beverage licensing process, evaluate the extent to which this process maintains proper checks and balances in decision making, and make recommendations for changes or improvements to this process; and, be it

Further Resolved, That should the task force find that in the course of its study its recommendations also have applicability to other licenses which are granted by Common Council action, the task force shall include those findings in its report; and, be it

Further Resolved, That the City Clerk's Office shall provide staff support to the task force; and, be it

Further Resolved, That all City departments are authorized and directed to cooperate with and assist the task force in carrying out its mission; and, be it

Further Resolved, That the task force shall submit its findings and recommendations to the Common Council within 6 months of adoption of this resolution and shall thereafter be dissolved.

A motion was made by ALD. BOHL that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

APPROVAL OF THE FOLLOWING:

3. [080136](#) Motion relating to the recommendations of the Licenses Committee relative to various licenses.

The court reporter was sworn in

The question was put: Have the members of the Common Council read the Report and Recommendations of the Licenses Committee and the exceptions filed in this matter?

All members indicated that they had done so.

The question was put: Are either of the following, or their counsels, present and, if so, do they wish to address the Common Council?

Socorro Cerda was present in person.

Nihar J. Shah was present in person.

Ald. Bohl moved that the Common Council resolve itself into the Committee of the Whole for the purpose of taking testimony in these matters.

There was no objection.

Socorro Cerda, having been sworn in, appeared and addressed the Common Council.

Asst. City Attorney Bruce Schrimpf appeared and addressed the Common Council.

Nihar J. Shah, having been sworn in, appeared and addressed the Common Council.

Asst. City Attorney Bruce Schrimpf appeared and addressed the Common Council.

Ald. Bohl moved that the Committee of the Whole Rise.

There was no objection.

Ald Witkowiak moved to reduce suspension for Socoro Cerda, Class "B" Tavern

license, Club 6th St., from 60 to 30 days.

AMENDED

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Zielinski Hines Jr.

No: 1 - Witkowski

Excused: 1 - Wade

The Common Council of the City of Milwaukee hereby accepts the recommendations of the Licenses Committee as contained in the listings attached to this file.

A motion was made by ALD. BOHL that this Motion be APPROVED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

THE PUBLIC SAFETY COMMITTEE RECOMMENDS:

APPROVAL OF THE FOLLOWING:

1. [080254](#) Motion relating to the recommendations of the Public Safety Committee relative to various licenses.
The Common Council of the City of Milwaukee hereby accepts the recommendations of the Public Safety Committee as contained in the listings attached to this file.
A motion was made by ALD. DONOVAN that this Motion be APPROVED. The motion PREVAILED by the following vote:
Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
No: 0
Excused: 1 - Wade
2. [080368](#) Substitute motion suspending the public passenger vehicle driver's license of Cameron Radcliff, permit #20300, until disposition of the pending criminal charges.
Whereas, The Milwaukee Police Department filed sworn charges on June 24th for revocation of the public passenger vehicle driver's license of Cameron Radcliff related to criminal charges of second degree sexual assault of a mentally ill victim; and

Whereas, Cameron Radcliff was served with a notice of the Public Safety Committee hearing to consider this charge on July 7th; and

Whereas, Cameron Radcliff did not appear at the Committee hearing; and

Whereas, The case is still pending, but the Committee believes that the severity of the charges and the nature of the unsupervised work that Mr. Radcliff performs transporting the mentally ill, necessitate that the public passenger vehicle driver's license of Cameron Radcliff be suspended to ensure the health, safety and welfare of the public until disposition of the pending criminal charges; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the public passenger vehicle driver's license of Cameron Radcliff, permit #20300, be suspended until disposition of the pending criminal charges.
The question was put: Have the members of the Common Council read the report and recommendations of the Public Safety with respect to these matters?

All members indicated they had done so.

A motion was made by ALD. DONOVAN that this Motion be APPROVED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

PASSAGE OF THE FOLLOWING:

3. [080252](#) A substitute ordinance relating to parking controls in various Aldermanic Districts.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-23-3 of the Code relating to No Parking is amended by striking the following:

“On East Rhode Island Avenue from South Superior Street west to the alley May 1st to September 1st from 10 pm to 6am”

“On the east side of North 78th Street from West Stevenson Street to West Fairview Avenue from 7:00 AM to 5:00 PM Except Saturday and Sunday”

Part 2. Section 101-23-3 of the Code relating to No Parking is amended by adding the following:

On the north side of West Heather Avenue from a point 610 feet west of North Pfeil Street to a point 160 feet west thereof

On the north side of West Tower Avenue from a point 420 feet west of North 80th Street to a point 25 feet west thereof

On the south side of West Fairlane Avenue from a point 200 feet east of North 84th Street to a point 85 feet east thereof

On the south side of West Fairlane Avenue from a point 630 feet east of North 84th Street to a point 85 feet east thereof

On the south side of West Fairlane Avenue from a point 445 feet west of North 80th Street to a point 25 feet west thereof

On the east side of North 84th Street from a point 710 feet north of West Tower Avenue to a point 25 feet north thereof

On the east side of South 55th Street from West Holt Avenue to a point 100 feet north

On the west side of South 55th Street from West Holt Avenue to a point 200 feet north

On the east side of North 78th Street from West Stevenson Street to West Fairview Avenue from 8:00 AM to 5:00 PM Except Saturday and Sunday

Part 3. Section 101-23-4-b of the Code relating to Half-Hour Parking is amended by adding the following:

On the east side of South 32nd Street from West Burnham Street to a point 265 feet north on school days from 7:00 AM to 4:30 PM

Part 4. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by striking the following:

“On South 32nd Street Between West Burnham Street and West Mitchell Street”

“On the north side of West Burleigh Street between North 56th Street and North 57th Street”

“On the north side of West Burleigh Street between North 57th Street and North 58th Street”

“On the south side of West Burleigh Street between North 57th Street and North 58th Street”

“On the south side of West Blue Mound Road from North 63rd Street to North 64th Street from 8:00 AM to 5:00 PM Except Saturday and Sunday”

Part 5. Section 101-23-4-d of the Code relating to Two-Hour Parking is amended by adding the following:

On the north side of West Florist Avenue from North 119th Street to North 122nd Street

Part 6. Section 101-23-4-e of the Code relating to Three-Hour Parking is amended by adding the following:

On the south side of West Blue Mound Road from North 63rd Street to North 64th

Street

Part 7. Section 101-27-3-b-1 of the Code relating to Alternate Side Night Parking is amended by adding the following:

On South 5th Street from West Arthur Avenue to West Harrison Avenue

Part 8. Section 101-32-3-c-1 of the Code relating to One-Hour Meter Parking is amended by striking the following:

“On West National Avenue from South 4th Street to South 7th Street”

Part 9. Section 101-32-3-d-2 of the Code relating to Two-Hour Meter Parking is amended by adding the following:

On West National Avenue from South 4th Street to South 5th Street from 9:00 AM to 6:00 PM Except Sunday

On West National Avenue from South 6th Street to South 7th Street from 9:00 AM to 6:00 PM Except Sunday

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

4. [080253](#) A substitute ordinance relating to traffic controls in various Aldermanic Districts.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-7-2 of the Code relating to Designation of Non-intersection Crosswalk is amended by adding the following:

On South 55th Street at a point 80 feet north of West Holt Avenue

Part 2. Section 101-13-8 of the Code relating to School Speed 20 MPH is amended by adding the following:

On North 20th Street from West Cherry Street to West Walnut Street

Part 3. Section 101-15 of the Code relating to Yield signs is amended by striking the

following:

“On West Bobolink Avenue at North 72nd Street”

Part 4. Section 101-15 of the Code relating to Yield signs is amended by adding the following:

On West State Street ramp to North Hawley Road southbound

Part 5. Section 101-16-1 of the Code relating to Stop signs is amended by adding the following:

On West Bobolink Avenue at North 72nd Street

On East Reservoir Avenue at East Garfield Avenue

On West Bobolink Avenue and North 119th Street in all directions

Part 6. Section 101-18-1 of the Code relating to No Heavy Traffic is amended by adding the following:

On West Auer Avenue at North 27th Street westbound

On West Concordia Avenue from North 27th Street to North 30th Street

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

5. [080455](#) A substitute ordinance relating to penalties for unregistered and improperly registered motor vehicles.

Whereas, The City of Milwaukee has a substantial health and safety interest in maintaining its highways, streets and alleys free from unregistered motor vehicles; and

Whereas, The Common Council passed File # 051344 on April 11, 2006, amending the City’s ordinance prohibiting placement of unregistered vehicles upon streets and alleys to conform to 2005 Wisconsin Act 185 which redefined “unregistered vehicle” to include vehicles that do not display valid registration

plates, temporary operation plates or other evidence of registration; and

Whereas, Circumstances may from time to time exist beyond the control of a vehicle owner where registration plates, annual registration stickers or other proper evidence of registration are removed from a motor vehicle due to theft, inadvertence, damage or otherwise; and

Whereas, Two years of enforcement experience has shown that a number of motor vehicle owners subjected to towing and penalties for violation of the ordinance prohibiting unregistered motor vehicles from being placed upon the highways, streets and alleys of the City have, nevertheless, made good faith efforts to obtain proper registration; and

Whereas, The Common Council has determined that motor vehicle owners who have made timely and complete application for registration with the Wisconsin Department of Transportation, should not be subject to the same penalties as motor vehicle owners who have not made timely or complete application for registration; now, therefore

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 101-24.7-1 and 2 of the code is repealed and recreated to read:

101-24.7 Unregistered Motor Vehicles. 1. DEFINITIONS. In this section: a. "Improperly registered motor vehicle" means an unregistered motor vehicle for which an application and payment for registration are current and complete as reflected in the records of the Wisconsin department of transportation, but which does not display evidence of current registration or registration expiring within the preceding 31 days.

b. "Unregistered motor vehicle" means any motor vehicle that is located upon any alley, street, highway, public way or thoroughfare and that is not displaying valid registration plates, a temporary operation plate, or other evidence of registration as provided under s. 341.18(1), Wis. Stats., for the vehicle's current registration period or for a registration period for the vehicle that expired within the immediately preceding 31 days.

2. PROHIBITION AND PENALTIES. a. Prohibition of unregistered vehicles. No unregistered motor vehicle may be located upon any alley, street, highway, public way or thoroughfare within the city. The stipulated forfeiture provided in s. 101-34-2-f and the penalty provided in s. 101-34-7-f shall apply, except as provided in par. b.

b. Prohibition of improperly registered vehicles. No improperly registered vehicle may be located upon any alley, street, highway, public way or thoroughfare within the city.

If a showing is made by any party that the records of the Wisconsin department of transportation contain information that application and payment for registration of the motor vehicle were complete and current at the time of the violation, the stipulated forfeiture provided in s. 101-34-2-a and the penalty provided in s. 101-34-7-a shall apply.

Part 2. Section 101-34-2-a of the code is amended to read:

101-34. Stipulation Procedure; Nonmoving Traffic Violations.

2. FORFEITURE SCHEDULE.

a. Citations issued for violation of ~~[[s]]>>ss.<< 101-27 except 101-27-7-a and 4>>~~, and 101-24.7-2-b<<: \$15.

Part 3. Section 101-34-2-f of the code is amended to read:

f. Citations issued for violation of ss. 101-24, 101-24.1, 101-24.5, ~~[[101-24.7]]>>101-24.7-2-a<<~~ and 101-25: \$50.

Part 4. Section 101-34-7-d of the code is amended to read:

7. PENALTY.

a. Violations of ~~[[s]]>>ss.<< 101-27 except s.101-27-7-a and 4>>~~, and 101-24.7-2-b \$15 to \$45.

Part 5. Section 101-34-7-f of the code is amended to read:

f. Violations of ss. 101-24, 101-24.1, 101-24.5, ~~[[101-24.7]]>>101-24.7-2-a<<~~ and 101-25: \$50 to \$70.

A motion was made by ALD. DONOVAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

ADOPTION OF THE FOLLOWING:

6. [080294](#) Resolution relating to the establishment of traffic and parking lanes on East and West St. Paul Avenue.

Whereas, The present alignment of traffic lanes and parking lanes along East and West St. Paul Avenue between North Water Street and North 8th Street, with 2 traffic lanes eastbound and one traffic lane westbound, is confusing to motorists and makes vehicle turning movements difficult, particularly for large vehicles; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is directed to reconfigure the traffic lanes and parking lanes along East and West St. Paul Avenue between North Water Street and North 8th Street such that there are 2 traffic lanes of equal width (one in each direction) and 2 parking lanes of equal width (one on each side of the street), except where turning lanes are provided; and, be it

Further Resolved, That the Department of Public Works is directed to repaint the lane markings along this street immediately upon adoption of this resolution by the Common Council.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

7. [080375](#) Resolution relative to application, acceptance and funding of a Project Safe Neighborhoods Gun Violence Grant for the Milwaukee Homicide Review Commission.

Whereas, Under the Catalog of Federal Domestic Assistance (CFDA) 16.609, the City of Milwaukee appears to be eligible for grant funds from the U.S. Attorney's Office for the Eastern District of Wisconsin, through the State of Wisconsin, Office of Justice Assistance for a Project Safe Neighborhoods Gun Violence grant; and

Whereas, The Milwaukee Police Department may enter into agreements with Dr. Mallory O'Brien and Research Assistant Laurie Woods as consultants to coordinate the commission's activities and to collect, analyze and report data; and

Whereas, The operation of this grant from 01/01/08 to 12/31/09 would cost \$100,000 of which \$0 (0%) would be provided by the city, and \$100,000 (100%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, the Police Department is authorized to accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects, the following amount for the program titled: Project Safe Neighborhoods Gun Violence-Milwaukee Homicide Review Commission Grant

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0000800000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$100,000

- 2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amount required under the grant agreement;
- 3. Establish the necessary City Share Project Values; and, be it

Further Resolved, That these funds are budgeted for the Milwaukee Police Department which is authorized to:

- 1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
- 2. Enter into agreements with consultant Dr. Mallory O'Brien and Research Assistant Laurie Woods;
- 3. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10 percent.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

- 8. [080376](#) Resolution approving an agreement between the Milwaukee Fire Department, Local 215, Milwaukee Professional Fire Fighters Association, and Dr. Robert Adlam for consultation services.

Whereas, The Milwaukee Fire Department and the Local 215, Milwaukee Professional Fire Fighters Association, desire to retain the professional services of Dr.

Robert Adlam as a consultant; and

Whereas, Dr. Adlam will attend weekly “sick call” meetings to provide medical consultation and services to employees of the Fire Department and members of Local 215 on extended injury; and

Whereas, Dr. Adlam will provide medical consultation and services in conjunction with the “return to work” program; and

Whereas, Dr. Adlam will respond to large alarms to provide medical treatment to Fire Department and Local 215 members at the scene; and

Whereas, Dr. Adlam will assist with other similar projects at the request of the Chief of the Fire Department; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the agreement between the Milwaukee Fire Department, Local 215 and Dr. Robert Adlam for consultation services, a copy of which is attached, is approved.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

9. [080411](#) Resolution relative to application, acceptance and funding of a Project Safe Neighborhood Anti-Gang Grant.
- Whereas, Under the Catalog of Federal Domestic Assistance (CFDA) 16.744, the City of Milwaukee appears to be eligible for grant funds from the U.S. Attorney’s Office for the Eastern District of Wisconsin, through the State of Wisconsin, Office of Justice Assistance for a Project Safe Neighborhood Anti Gang grant; and
- Whereas, The operation of this grant from 01/01/08 through 12/31/08 would cost \$99,216, which would be provided by the grantor; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, the Police Department authorized and shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it
- Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects, the following amount for the program titled: Safe Streets Initiative Grant.

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR0000800000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$99,216

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amount required under the grant agreement;

3. Establish the necessary City Share Project Values; and, be it

Further Resolved, That these funds are budgeted for the Milwaukee Police Department which is authorized to:

Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10 percent.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

10. [080412](#) Resolution relative to application, acceptance and funding of a Digital Recording of Custodial Interrogations Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Justice, Office of Justice Assistance, for a Digital Recording of Custodial Interrogations Grant; and

Whereas, The operation of this grant project from 05/16/08 to 12/31/08 would cost \$30,000, of which 100% would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Police

Department is authorized to accept the grant without further approval unless its terms change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled: Digital Recording of Custodial Interrogations Grant:

Project/Grant	Fund	Org	Program	BY	Subclass	Account
GR000800000	0150	9990	0001	0000	R999	000600

Project	Amount
Grantor Share	\$30,000

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amounts required under the grant agreement;

3. Establish the necessary City share Project Values; and, be it Further Resolved, That these funds are budgeted for the Milwaukee Police Department which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the project budget and incur costs consistent with the award date.

2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10 percent.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

11. [080413](#) Resolution amending File Number 070701, relating to the Law Enforcement Special Assignment Grant Agreement with the University of Wisconsin-Milwaukee. Whereas, The Common Council adopted Resolution File Number 070701 on September 25, 2007, approving an extension to the Law Enforcement Special Assignment Grant Agreement with the University of Wisconsin-Milwaukee; and
- Whereas, The Common Council adopted Resolution File Number 070951 on November 21, 2007, increasing the grant amount to \$29,000; and
- Whereas, Grant funding for the period of August 23, 2007 to May 17, 2008, is \$29,000; and

Whereas, Additional funding of \$14,016 has been provided by the University of Wisconsin-Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Resolution File Number 070701 adopted on September 25, 2007, is amended by deleting the amount "\$29,000" in the 1st "Further Resolved" clause under Item 1, and inserting in lieu thereof the amount "\$43,016", thereby increasing the grant by \$14,016.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

12. [080414](#)

Resolution amending File Number 071319, relating to the Safe Streets Initiative/Project Safe Neighborhood Anti Gang Pilot Program Grant.

Whereas, The Common Council adopted Resolution File Number 071319 on February 5, 2008, approving the Safe Streets Initiative/ Project Safe Neighborhoods Anti Gang Pilot Program Grant; and

Whereas, Grant funding for the period of October 1, 2007 to September 30, 2008, was \$984,829; and

Whereas, Additional funding of \$665,171 has been provided by the Office of Justice Assistance; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Resolution File Number 071319 adopted on February 5, 2008, is amended by deleting the amount "\$984,829" in the 1st "Further Resolved" clause under Item 1, and inserting in lieu thereof the amount "\$1,650,000", thereby increasing the grant by \$665,171.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

13. [080416](#)

Substitute resolution relative to application, funding and expenditure of the

Development of the Center for Health Equity Grant from the University of Wisconsin-Madison-Population Health Sciences.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the University of Wisconsin-Madison to develop the health disparities program; and

Whereas, The operation of this grant project from 06/15/08 to 2/1/09 would cost \$15,000 entirely provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the University of Wisconsin-Madison is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

- 1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amount for the project titled Development of the Center for Health Equity Grant from the University of Wisconsin-Madison-Population Health Sciences:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$15,000

- 2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project/Grant Levels; budget against these Project/Grant values the amounts required under the grant agreement; and be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

- 1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
- 2. Enter into subcontracts and leases as detailed in the grant budget; and

3. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

14. [080439](#) Resolution urging the Chief of Police and the City of Milwaukee Fire and Police Commission to initiate a program in the 2009 City Budget to employ retired law enforcement officers on a part-time basis.
- Whereas, The City of Milwaukee Police Department is faced with the continuing charge of matching roles and responsibilities of sworn and non-sworn positions within the department with qualified individuals; and
- Whereas, Retired police officers represent a valuable resource that can be tapped to fill varied needs within the Milwaukee Police Department on a part-time basis, thereby freeing certain sworn officers from station house and administrative duties for street action; and
- Whereas, Retired law enforcement personnel bring to the table the breadth and depth of knowledge of seasoned, tenured police officers, whose honorably retired status by definition means they have been amply exposed to the culture and day-to-day workings of a police department, with a corresponding wealth of practical experiences to draw upon; and
- Whereas, Retired officers already have in place health insurance, a pension and other benefits befitting an officer retired in good standing, thereby making it unnecessary to provide these persons employment entitlements over and above an hourly rate of pay; and
- Whereas, The Global Pension Settlement has effectively created a sizeable group of retired City of Milwaukee Police Department sworn personnel who, because of their relative youth, continue to seek active employment; and
- Whereas, The cities of Houston, Texas; Omaha, Nebraska; and Reno, Nevada, have each implemented variations of so-called “retired officer programs”, employing officers retired in good standing to fill critical roles within the police department on a part-time basis; and

Whereas, The designation and responsibilities assigned to retired officers in the respective programs in place in each of these 3 cities ranges the continuum, from civilian job classifications to sworn members of the department; from performing non-classified administrative functions to walking a foot patrol; from working the front desk to carrying a side arm and having full enforcement powers; and

Whereas, The response by regular full-time sworn officers to the programs in place in Houston, Omaha and Reno has been positive, due to the fact that part-time retired officers provide experienced assistance, typically augmenting or performing duties and responsibilities performed by full-time law enforcement personnel; and

Whereas, Retired officer programs can represent a “win-win-win” situation, with the police department gaining the services of experienced law enforcement officers at a favorable cost, the program participants fulfilling a desire to continue in public service in some capacity and earn supplemental income, and current, regular, full-time sworn officers acquiring the assistance of veteran part-time personnel; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council urges the Chief of Police and the City of Milwaukee Fire and Police Commission to initiate a program in the 2009 City Budget to employ retired law enforcement officers on a part-time basis.

A motion was made by ALD. DONOVAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

CONFIRMATION OF THE FOLLOWING:

15. [080070](#) Reappointment of Florence Dukes to the position of Safety Director by the Mayor.

A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Zielinski Hines Jr.

No: 1 - Witkowski

Excused: 1 - Wade

16. [080464](#) Appointment of Carolina Stark to the Fire and Police Commission by the Mayor. (4th Aldermanic District)

**A motion was made by ALD. DONOVAN that this Appointment be CONFIRMED.
The motion PREVAILED by the following vote:**

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,
Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines
Jr.

No: 0

Excused: 1 - Wade

PLACING ON FILE THE FOLLOWING:

17. [080433](#) Communication from the Fire Department transmitting an annual report on advanced life support billing activities.

**A motion was made by ALD. DONOVAN that this Communication be PLACED ON
FILE. The motion PREVAILED by the following vote:**

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan,
Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines
Jr.

No: 0

Excused: 1 - Wade

THE FINANCE & PERSONNEL COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [080034](#) A substitute ordinance relating to the adjustment of recovery ratios for certain assessable improvements and the establishment of a municipal motor vehicle registration fee.

Ald. Witkowiak moved to amend by creating the follows:

Part 8 is created to read as follows:

Part 8. It is the intent of the common council that the motor vehicle registration fee established in s. 304-25-2 shall remain unchanged through the end fo the 2008-12 common council term.

A motion was made by ALD. WITKOWIAK that this Ordinance be AMENDED. The motion PREVAILED by the following vote:

Aye: 11 - Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Dudzik, Witkowiak, Zielinski Hines Jr.

No: 3 - Hamilton, Murphy Witkowski

Excused: 1 - Wade

Ald. Dudzik moved to amend Section 304-25-5, under Part 4 to read:

5. REVENUES; TRANSPORTATION VEHICLE FEE FUND. Revenues collected under this section shall be deposited in a transportation vehicle fee fund. Revenues in the fund shall be used only to defray city costs for transportation related purposes including but not limited to costs related to the design, construction, operation and maintenance of streets, alleys, bridges, public way lighting, traffic signs and signals, traffic calming installations, and which may also include special assessments imposed under s. 115-43. At least 10 percent of the annula revenues deposited in the transportation vehicle fund shall be allocated to street maintenance activities.

A motion was made by ALD. DUDZIK that this Ordinance be AMENDED. The motion PREVAILED by the following vote:

Aye: 10 - Hamilton, Kovac, Bauman, Coggs, Donovan, Puente, Dudzik, Witkowiak, Witkowski Zielinski

No: 4 - Davis, Bohl, Murphy Hines Jr.

Excused: 1 - Wade

- [080034](#) A substitute ordinance relating to the adjustment of recovery ratios for certain assessable improvements and the establishment of a municipal motor vehicle

registration fee.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 10 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Witkowiak Hines Jr.

No: 4 - Murphy, Dudzik, Witkowski Zielinski

Excused: 1 - Wade

2. [080128](#) A substitute ordinance to further amend the 2008 rates of pay of offices and positions in the City Service under control of the Common Council.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 2 of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Salary Grade 005, add the title "Ecocultural Family Interview Program Coordinator."

Part 2. Section 8 of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 525, add the title "Helpdesk Specialist I."

Under Pay Range 540, add the title "Helpdesk Specialist II."

Under Pay Range 555, add footnote designation "4/" after the title of Sidewalk Repair Specialist and add footnote 4/ which shall read, "4/ Gerard Berendt, upon his promotion to Sidewalk Repair Specialist, shall continue to be paid at rates consistent with Pay Range 540, M-step 3 until such time he becomes eligible for M-step 1 under Pay Range 555. In addition, the criteria specifying that one year of service at the 5th step of Pay Range 555 be completed before advancement to M-step 1 of Pay Range 555, shall be satisfied by Gerald Berendt as determined by the department of public works under the terms specified in the June 10, 2008 Memorandum of Understanding.

Part 3. Section 11 of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows:

Under Pay Range 646, add the title "Lead Microbiologist."

Part 4. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 5. The provisions of this ordinance are deemed to be in force and effect from and after the first day of the first pay period following passage and publication.

Part 6. This ordinance will take effect and be in force from and after its passage and publication.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

3. [080129](#) A substitute ordinance to further amend the 2008 offices and positions in the City Service under control of the Common Council.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 1 of ordinance File Number 070605 relative to offices and positions in the City Service is hereby amended as follows:

Under "Assessor's Office, Systems and Administration Division", delete one position of "Office Supervisor II" and add position of "Administrative Services Supervisor."

Under "Health Department, Family and Community Health Services, Maternal and Child Health Division, Ecocultural Family Interviewing Assessment Grant", delete one position of "Health Project Coordinator (D)" and add one position of "Ecocultural Family Interview Program Coordinator (D)".

Under "Health Department, Maternal and Child Health Division, Women's, Infant's, and Children's Grant (C)", add one position of "Public Health Nurse (C)(X)."

Under "Health Department, Laboratory Services Division", delete one position of "Microbiologist III" and add one position of "Lead Microbiologist."

Under "Health Department", amend footnote "(L)" to read as follows: "To expire 07-31-09 unless the HIV Women's Project Grant, available from the Medical College of Wisconsin, is extended."

Under "Health Department, Laboratory Services Division, Bioterrorism - Lab Grant (Q)", delete Footnote (P) from one position of "Microbiologist III (Q)" and amend footnote "(P)" to read as follows: "To expire 08-31-09 unless the Bioterrorism Focus CRI Grant is extended. Also partially funds the position of Public Health Emergency

Response Planning Coordinator.”

Under “Health Department”, amend footnote “(YY)” to read as follows: “To expire 09/29/09 unless the Childhood Immunization Disparities Grant is extended.”

Under “Health Department”, amend footnote “(Q)” to read as follows: “To expire 08/31/08 unless the Bioterrorism-Lab Grant available from the Wisconsin State Lab of Hygiene is extended.”

Under “Health Department”, amend footnote “(A)” to read as follows: “Domestic Violence Liaison Project Grant. Position authority to expire 06/30/09 unless the Domestic Violence Liaison Project Grant funding is extended.”

Under “Police Department, Administration Services Decision Unit, Data Services Division”, delete nine positions of “Computer Operator II” and add nine positions of “Helpdesk Specialist II.”

Under “Department of Public Works, Administrative Services Division, DPW Call Center”, delete one position of “Customer Service Representative III” and three positions of “Customer Service Representative II”, and add one position of “Communications Assistant IV” and three positions of “Communications Assistant III.”

Under “Department of Public Works, Administrative Services Division, Auxiliary Positions”, delete one position of “Customer Service Representative II” and add one position of “Communications Assistant III.”

Under “Department of Public Works-Operations Division, Sanitation Section”, add one position of “Recycling Program Assistant (B)” and add footnote “(B)” to read as follows: “To expire 12/31/09 unless the Recycling Efficiency Incentive Grant is extended.”

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. The provisions of all other parts of this ordinance are deemed to be in force and effect from and after the first day of the first pay period following passage and publication.

Part 4. This ordinance will take effect and be in force from and after its passage and publication.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

4. [080369](#) A substitute charter ordinance relating to retirement benefits for employees represented by certain bargaining units.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. The note appended to s. 36-04-1-c of the charter, as affected by Common Council File Number 061455, passed March 3, 2007, is amended to read:

36-04. Creditable Service.

1. SERVICE CREDITED. c.

NOTE: The foregoing amendment to s. 36-04-1-c shall apply only to policemen represented by the MPA and firemen represented by Local 215, IAFF, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1998 and December 31, 2002; policemen represented by the MPSO, and general city employees, who participate in the combined fund and who retire on a service retirement allowance between January 1, 1999 and December 31, 2002; nonrepresented firemen or policemen who participate in the combined fund and who retire on a service retirement allowance between January 1, 2000 and December 31, 2002; policemen represented by the MPA, firemen represented by Local 215, IAFF, nonrepresented firemen, and general city management and nonrepresented employees, who participate in the combined fund and who retire on a service retirement allowance on or after January 1, 2003; city of Milwaukee employees who participate in the combined fund and who retire on a service retirement allowance between January 1, 2003 and December 31, 2006, and who are represented by Milwaukee District Council 48, AFSCME, AFL-CIO; the Public Employees' Union 61, LIUNA, AFL-CIO; the Technicians, Engineers and Architects of Milwaukee; the Association of Scientific Personnel; the Staff Nurses Council; Local 195, IBEW, AFL-CIO, Joint Bargaining Unit Local 139, IUOE, AFL-CIO/Milwaukee District Council 48, AFSCME, AFL-CIO; Local 494, IBEW, AFL-CIO, Machine Shop; the Association of Municipal Attorneys; the Association of Law Enforcement Allied Services Personnel; or Local #218, I.U.P.A., AFL-CIO (Police Support Service Personnel); Local 494, IBEW, AFL-CIO, Fire Equipment Dispatchers; city of Milwaukee employees represented by the Milwaukee Building and Construction Trades Council who participate in the combined fund and who retire on a service retirement allowance between August 1, 2003 and July 31, 2007; city of Milwaukee employees represented by Local 75, Journeyman Plumbers and Gasfitters Union, AFL-CIO, and the

International Association of Machinists and Aerospace Workers who participate in the combined fund and who retire on a service retirement allowance between January 1, 2003 and December 31, 2006; and city of Milwaukee employees represented by Local 494, IBEW, AFL-CIO, Electrical Group, who participate in the combined fund and who retire on a service retirement allowance between June 1, 2003 and May 30, 2007[[: and]] >>;<< members represented by the Administrators and Supervisors Council who participate in the combined fund and retire on a service retirement allowance between January 1, 2003 and June 30, 2007 >>; and Milwaukee public schools employees represented by Local 150, FSA/SNA/HCA; Local 950, International Union of Operating Engineers; Local 1616, District Council 48 and Milwaukee Building and Construction Trades Council who participate in the combined fund and who retire on a service retirement between January 1, 2004 and June 30, 2007<<.

Part 2. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within 60 days a referendum petition is filed as provided in s. 66.0101(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon.

**A motion was made by ALD. MURPHY that this Charter Ordinance be PASSED.
The motion PREVAILED by the following vote:**

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

5. [080374](#) A substitute ordinance amending the salary ordinance.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Part II, Section 12. of ordinance File Number 070604 relative to rates of pay of offices and positions in the City Service is hereby amended as follows

Under Part II. Section 12. Management Pay Plan, delete paragraph j. Salary Adjustment Appeals in its entirety and insert the following:

“j. Salary Adjustment Appeals: Managers may appeal the delay or denial of a salary increment to the City Service Commission. The Department of Employee Relations shall establish a procedure for conducting this dispute resolution and appeal process.”

Part 2. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

Part 3. The provisions of this ordinance are deemed to be in force and effect from and after the first day of the first pay period following passage and publication.

Part 4. This ordinance will take effect and be in force from and after its passage and publication.

A motion was made by ALD. MURPHY that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

ADOPTION OF THE FOLLOWING:

6. [080172](#) Resolution amending Common Council File Number 070612 to increase the amount of State of Wisconsin Recycling grants awarded to the City of Milwaukee.
- Whereas, On September 25, 2007, the Common Council adopted File Number 070612, a resolution authorizing the Commissioner of Public Works to apply for, accept and expend a 2008 State of Wisconsin Basic Recycling Grant in the anticipated amount of \$2,799,000; and
- Whereas, Adopted File Number 070612 also authorized the Commissioner of Public Works to apply for, accept and expend a State of Wisconsin Recycling Efficiency Incentive Grant in the anticipated amount of \$226,850.00; and
- Whereas, The Wisconsin State Legislature increased the municipal and county recycling grant appropriation by \$6,500,000 annually, effectively raising the state reimbursement rate of eligible recycling costs and resulting in an actual 2008 State of Wisconsin Basic Recycling Grant award to the City of Milwaukee in the amount of \$3,535,679.24; and
- Whereas, In recognition of the efficiency of the City's recycling program, the State of Wisconsin has actually awarded the City a Recycling Efficiency Incentive grant in the amount of \$381,399.11; and
- Whereas, Pursuant to s. 304-81-5-c-4 of the Milwaukee Code of Ordinances, whenever a grant amount exceeds the originally specified amount by more than 10%, the administering department is required to prepare an amendment to the original resolution prior to execution of the grant award; and
- Whereas, The actual amount of the Basic Recycling Grant awarded to the City

exceeds the originally anticipated amount of \$2,799,000.00 by more than 10%; and

Whereas, The actual amount of the Recycling Efficiency Incentive Grant awarded to the City exceeds the originally anticipated amount of \$226,850.00 by more than 10%; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the first "Further Resolved" clause of Common Council File Number 070612 is amended by changing the Basic Recycling Grant amount from \$2,799,000.00 to \$3,535,679.24; and, be it

Further Resolved, That the fifth "Further Resolved" clause of Common Council File Number 070612 is amended by changing the Recycling Efficiency Incentive Grant amount from \$226,850.00 to \$381,399.11; and, be it

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance, Common Council File Number 070605, as amended, be further amended as follows:

Under

Department of Public Works-Operations Division
Sanitation Section

ADD:

Recycling Program Assistant (B)

And add footnote (B) as follows:

(B) To expire 12/31/09 unless the Recycling Efficiency Incentive Grant is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Dudzik

Excused: 1 - Wade

7. [080279](#) Substitute resolution relative to application, acceptance and funding of the HIV Women's Grant from the Medical College of Wisconsin.
- Whereas, The City of Milwaukee appears to be eligible for grant funds from the Medical College of Wisconsin for providing public health nursing case management to a targeted population of HIV infected women and their families; and

Whereas, The operation of this grant project from 08/01/08 to 07/31/09 would cost \$230,000 provided by the grantor; now, therefore, be it Resolved, By the Common Council of the City of Milwaukee, that application to the Medical College of Wisconsin is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled HIV Women's Grant:

Project Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$230,000

And to create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project/Grant Levels; budget against these Project/Grant values the amounts required under the grant agreement; and, be it

Further Resolved, That these funds are appropriated to the Health Department which is authorized to:

1. Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date; and
2. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff;
3. Expend from the 2008 grant budget for subcontracts and equipment as specified in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Change footnote (L) to read as follows:
 To expire 07-31-09 unless the HIV Women's Project Grant, available from the Medical College of Wisconsin, is extended.

Requester
Health Department

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

8. [080281](#) Substitute resolution relative to application, acceptance and funding of the Bioterrorism Grant - Focus CRI from the State of Wisconsin Division of Health and Family Services.
- Whereas, The City of Milwaukee appears to be eligible for grant funds from the Centers for Disease Control to aid cities in increasing their capacity to aid cities in increasing their capacity to deliver medicines and medical supplies during a large-scale public health emergency; and

Whereas, The operation of this grant project from 09/01/08 to 08/31/09 would cost \$247,078 provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the Centers for Disease Control through the State of Wisconsin Division of Health and Family Services is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant parent account of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Bioterrorism Grant Focus CRI:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$247,078

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project Levels; budget to these Project/Grant values the amounts required under the grant agreement; and, be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff;

Expend from the 2008 grant budget funds for equipment as specified in the grand budget;

Enter into leases and contracts as indicated in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Under

HEALTH DEPARTMENT
Laboratory Services Division
Bioterrorism - Lab Grant (Q)

Delete Footnote (P) from the following position:

Microbiologist III (Q)

Change footnote (P) as follows:

To expire 08-31-09 unless the Bioterrorism Focus CRI Grant is extended. Also partially funds the position of Public Health Emergency Response Planning Coordinator.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

9. [080282](#) Substitute resolution amending Common Council File # 070615 relative to application, acceptance and funding of the Childhood Immunization Disparities Grant from the Centers for Disease Control.

Whereas, Common Council File 070615 authorized the Health Department to apply for, accept and fund the Childhood Immunization Disparities Grant project from the Centers for Disease Control. This grant provided for a Grantor share total of \$300,000; and

Whereas, The Grantor share for this program remains at \$300,000 and extends the project end date by one year to 9/29/09; and

Whereas, The City of Milwaukee appears to be eligible for the no cost extension of these grant funds from the Centers for Disease Control to reduce immunization disparities and increase immunization rates; and therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application for a no cost extension to the Centers for Disease Control is authorized and the Health Department shall extend this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinance Section 304-81; and, be it

Further Resolved, That these funds are budgeted to the Health Department which is authorized to:

Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff;

Enter into subcontracts and leases as detailed in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:
Health Department

Change footnote (YY) to read as follows:

To expire 09/29/09 unless the Childhood Immunization Disparities Grant is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

10. [080302](#) Resolution authorizing the issuance and sale of up to \$210,000,000 of revenue anticipation notes and/or General Obligation Notes for the purpose of financing the operating budget of the Milwaukee Public Schools on an interim basis.
- Whereas, The Milwaukee Public Schools (the "MPS") is a department of the City of Milwaukee (the "City") authorized by Sections 65.05 and 119.46, Wisconsin Statutes, to establish a School Operations Fund, and to determine its expenditures and the taxes to be levied therefor; and
- Whereas, MPS is temporarily in need of funds in the amount not to exceed \$210,000,000 to meet the immediate expenses of operating and maintaining the public instruction in MPS during the 2008-2009 fiscal year commencing July 1, 2008 and ending June 30, 2009 (the "Fiscal Year"); and
- Whereas, Each year, the Milwaukee Board of School Directors (the "Board") deems it necessary and in the best interest of MPS that funds be borrowed and revenue anticipation notes be issued to fund the temporary need, and requests the City to so issue such notes; and
- Whereas, The City is a municipality authorized by the provision of Section 67.12(1)(a), Wisconsin Statutes, to borrow money in anticipation of revenues for school purposes; and
- Whereas, The City deems it necessary and in the best interest of MPS that funds be borrowed and revenue anticipation notes be issued pursuant to the provisions of Section 67.12(1)(a), Wisconsin Statutes, for the purpose of financing the operating budget of the Milwaukee Public Schools on an interim basis; and
- Whereas, In accordance with Section 67.12(1)(a), Wisconsin Statutes, the total amount borrowed shall not exceed 60% of MPS's total actual and anticipated receipts in the fiscal year, and shall be repaid no later than 18 months after the first day of the fiscal year; and
- Whereas, The tax for the operations and maintenance of schools of MPS for the Fiscal Year has been voted by the Board to be collected on the next tax roll; and

Whereas, To the best of the knowledge, information and belief of the Board, MPS complies with the revenue limits set forth in Sections 121.91 and 121.92, Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that it hereby and herewith authorizes and declares its purpose to issue school revenue anticipation notes (the "RANs") pursuant to the provisions of Section 67.12(1), Wisconsin Statutes, in an amount not to exceed \$210,000,000; and, be it

Further Resolved, That the RANs shall be sold by the Commissioners of the Public Debt in one or more series, at one or more time or times, at a true interest cost not to exceed 5.00% at public competitive or private sale; or to the Public Debt Amortization Fund for the purpose of investment and/or cancellation; and, be it

Further Resolved, That the RANs shall be dated no later than March 1, 2009, shall mature on or before November 1, 2009, shall be registered in the name of CEDE & Co. as nominee of the Depository Trust Corporation, New York, New York, shall bear interest at a rate not to exceed 7.00% per annum, and may or may not be subject to redemption prior to maturity as determined by the Commissioners of the Public Debt; provided however, that RANs purchased by the Public Debt Amortization Fund shall be registered to the same; and, be it

Further Resolved, That each series of the RANs shall be designated as determined by the Commissioners of the Public Debt; and, be it

Further Resolved, That in accordance with authorization from the Board for the purpose of securing payment, when due, of the principal on the RANs, the proper City officers are hereby authorized and directed to segregate within the School Operations Fund state general school aid revenue payments under Section 121.15, Wisconsin Statutes, for the Fiscal Year that are received in June of the Fiscal Year and the following July, in the amount of the principal of the RANs; and, be it

Further Resolved, In accordance with authorization from the Board, that the Common Council hereby declares that it irrevocably pledges as security for the repayment of the RANs and interest thereon, all revenues of the School Operations Fund attributable to the Fiscal Year which are due MPS, in the Fiscal Year, and not yet paid as of the date of delivery of the RANs, and which are not otherwise pledged and/or applied; and, be it

Further Resolved, That surplus revenues in the Debt Service Fund be and hereby are pledged to the payment, when due, of interest on the RANs, and that the proper City officers be and hereby are authorized and directed to create a separate account in the Debt Service Fund from surplus revenues within the fund in the amount of interest due

on the RANs to maturity; and, be it

Further Resolved, That the proper City officers be and hereby are authorized to execute an addendum to the agreement with the City's Fiscal Agent with respect to the RANs (the "Addendum"); and, be it

Further Resolved, That should the RANs mature on or before the end of the Fiscal Year as determined by the Commissioners of the Public Debt, City officers may determine whether it is desirable or not to have a Fiscal Agent to make the payment on the RANs. If it is determined that a Fiscal Agent is not desirable, the City officers need not execute the Addendum, and are directed to pay directly, when due, the principal of and interest on the RANs; and, be it

Further Resolved, That the proper City officers be and hereby are authorized and directed to deposit with the City's Fiscal Agent on or before the end of the Fiscal Year pledged revenues to purchase direct obligations of the U.S. Government in an amount sufficient together with earnings thereon to pay, when due, the principal of and interest on the RANs to maturity; and, be it

Further Resolved, That the RANs shall not constitute an indebtedness for purposes of determining the City's constitutional debt limitation, and no additional tax shall be levied to pay the RANs; and, be it

Further Resolved, That the City Comptroller be and hereby is authorized and directed to prepare an official statement in connection with the issuance of the RANs and to execute on behalf of the City all certifications which may be required in connection with the official statement; and, be it

Further Resolved, That the City covenants to take all actions necessary to preserve the exemption of interest on the RANs from federal income taxation. No use of the proceeds of the sale of the RANs shall be made which, if such use had been reasonably expected on the date of issue of the RANs, would have caused such RANs to be "arbitrage bonds" as defined in Subsection (d)(2) of Section 103 and Section 148 of the U.S. Internal Revenue Code of 1986. The City shall comply with the requirements of Sections 141 through 150 of said Internal Revenue Code and the applicable regulations of the Internal Revenue Service adopted thereunder throughout the term of the RANs. The provisions of this section shall be a covenant with the purchasers of the RANs; and, be it

Further Resolved, That the Continuing Disclosure Certificate, in substantially the form of the Supplemental Certificate authorized by File Number 031384 adopted on February 10, 2004, is authorized to be executed and delivered by the Comptroller for the RANs; and, be it

Further Resolved, That the City authorizes and directs the appropriate officers and employees of the City to take all action necessary or appropriate to comply with and carry out all of the provisions of the Continuing Disclosure Certificate as amended from time to time. Notwithstanding any other provision of the resolution, failure of the City to perform in accordance with the Continuing Disclosure Certificate shall not constitute a default under the resolution and the Continuing Disclosure Certificate may be enforced only as provided therein.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

11. [080303](#) Resolution approving the form of the Preliminary Official Statement used in connection with the sale of City of Milwaukee debt.

Whereas, The City Comptroller has prepared a Preliminary Official Statement (the form of which is attached hereto), and will prepare an Official Statement, for the purpose of providing comprehensive financial and economic information respecting the City of Milwaukee in connection with the sale of the City of Milwaukee, Wisconsin, General Obligation Bonds, Notes, and/or Revenue Anticipation Notes (“RANs”) (individually, an “Offered Obligation”, and collectively, the “Offered Obligations”); and

Whereas, Financial and economic information has been compiled by the Office of the Comptroller from its annual financial report, property tax records maintained by the Assessor's Office and from other books and records of the City; and

Whereas, Concurrently with the delivery of the Offered Obligations, the City will deliver its certificates signed by its Comptroller stating that the descriptions and statements, including financial statements, as pertaining to the City contained in the Official Statements as of their dates and the date of sale and delivery of each Offered Obligation, were and are true and correct in all material respects and do not contain an untrue statement of a material fact or omit to state a material fact required to be included therein or necessary to make the statements contained therein in the light of circumstances in which they were made not misleading; and

Whereas, Such certificates will further confirm to the effect that insofar as the descriptions and statements including financial data, contained in the Official Statements of or pertaining to non-governmental bodies and governmental bodies other than the City are concerned, such descriptions, statements and data have been obtained from sources believed by the City to be reliable, and that the City has no reason to believe that they are untrue or incomplete in any material respect; and

Whereas, It is the intention of the Common Council to approve the aforementioned

Preliminary Official Statement on the basis of the representations of the Comptroller to be included in the certificates signed by the Comptroller and delivered concurrently with the delivery of each Offered Obligation; and

Whereas, The City desires to use the Master Continuing Disclosure Certificate approved by Common Council File Number 031384 adopted on February 10, 2004 in connection with the issuance of the Offered Obligations; now, therefore, be it Resolved, By the Common Council of the City of Milwaukee, that the form of the Preliminary Official Statement as attached hereto, and to be used in connection with the sale of the City of Milwaukee, Wisconsin, General Obligation Bonds, Notes, and/or RANs, (the "Offered Obligations") be and hereby are approved; and, be it Further Resolved, By the Common Council of the City of Milwaukee that the Preliminary Official Statement was and is true and correct in all material respects and do not contain an untrue statement of a material fact or omit to state a material fact required to be included therein or necessary to make the statements contained therein in the light of circumstances in which they were made not misleading; and, be it Further Resolved, By the Common Council of the City of Milwaukee that the Comptroller is hereby authorized to prepare an Official Statement, in substantially the same form of the Preliminary Official Statement, after the same have been completed by the insertion of the maturities, interest rates and other details of the debt and by making such other insertions, changes or corrections as the Comptroller, based on the advice of the City's financial advisor and legal counsel (including the City Attorney or Bond Counsel), deem necessary or appropriate; and the Common Council hereby authorizes the Official Statement and the information contained therein to be used by the underwriters of the debt in connection with the sale of the Offered Obligations; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that the Comptroller is hereby authorized to execute Supplemental Certificate(s) of the Master Continuing Disclosure Certificate for the Offered Obligations.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

12. [080372](#) Substitute resolution authorizing the City to make Management employees health benefits consistent with current union health benefits contracts.

Whereas, The City desires to control health care costs for all employees; and

Whereas, Local 215 and MPA unions have agreed to new contracts with the City that include some changes in health care benefits or co-pays; and

Whereas, The City desires to make these changes so Management employee benefits are consistent with other employees; and

Whereas, The City desires to change the current 20% co-insurance for management employees with the City HMO plan to a three-tier \$5 generic, \$17 formulary brand and \$25 non-formulary brand co-pay effective January 1, 2009; and

Whereas, The City desires to change the current \$0 co-pay for office visits and urgent care visits to a \$10 co-pay for office visits and urgent care visits, and the \$25 co-pay for emergency room visits to \$50 co-pay for emergency room visits effective January 1, 2009; and

Whereas, The City desires to change the premium for the low cost HMO plan in 2009, UHC Choice, from \$0 monthly to \$20 monthly for single and from \$0 monthly to \$40 monthly for family for management employees, effective January 1, 2009; and

Whereas, The City desires to provide incentives and disincentives to management employees after health risk assessments are offered in 2009, including a financial incentive to have the health risk assessment and a financial incentive to avoid smoking; and

Whereas These changes are consistent with current contracts signed by the Milwaukee Police Association and the Fire Fighters Local 215 unions; and

Whereas, Management employees who retire will continue to pay the same premiums as active management employees and have the same choices; and

Whereas, Management employees who retire will have the same co-pays and co-insurance as other City retirees; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Employee Relations is authorized to make the co-pay changes for Management employees effective January 1, 2009, the premium changes for Management employees effective January 1, 2009, and the premium changes related to health risk assessments for Management employees after the health risk assessments are offered.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

13. [080373](#) Substitute resolution authorizing the Department of Employee Relations to extend current agreements with DeltaDental, CarePlus Dental, FirstCommonwealth Dental and DentalBlue dental to provide dental services to City employees and retirees in 2009.
- Whereas, The City of Milwaukee has requested rates from the four current City dental providers for the 2009 -- one fee-for-service dental plan and three pre-paid dental plans; and
- Whereas, Each vendor has provided the City with rates for 2009 dental services, with changes from 0% to 68%; and
- Whereas, Employees can select from the four dental plans during open enrollment, now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Department of Employee Relations is authorized to extend the current agreements with each of the four vendors to provide dental services in 2009 with the concurrence of the City Attorney's office.
- A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0

Excused: 1 - Wade

14. [080405](#) Resolution approving the Memorandum of Understanding between the City of Milwaukee negotiating team and Milwaukee District Council 48, AFSCME, AFL-CIO (Local 47) relative to compensation for a certain employee in the Field Operations section of the Infrastructure Division in the Department of Public Works.
- Whereas, The agreement between the City of Milwaukee Negotiating Team and Milwaukee District Council 48, AFSCME, AFL-CIO for compensation of a certain employee in the Infrastructure Division of the Department of Public Works has been reduced to writing; and
- Whereas, The memorandum of understanding embodying the agreement reached by the parties to such negotiations, a copy of which is attached to this Common Council File and incorporated herein as though fully set forth at length, was executed subject to ratification by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Memorandum of Understanding between the City of Milwaukee Negotiating Team and Milwaukee District Council 48, AFSCME, AFL-CIO is approved; and, be it

Further Resolved, That the proper city officials are hereby authorized and directed to take the necessary action to implement the terms of this agreement; and, be it

Further Resolved, That such sums as are necessary for the implementation of the aforementioned memorandum in accordance with its terms and conditions be obtained for and charged to the appropriate departmental budget accounts in accordance with the customary reporting and accounting requirements.

TMH:EFS:lk
xxxxxx.res
labr/dc48

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

15. [080415](#) Resolution authorizing application, acceptance, and funding of a Domestic Violence Liaison Project Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the US Department of Justice, through the Wisconsin Office of Justice Assistance for a Domestic Violence Liaison Project Grant; and

Whereas, The operation of this program from July 1, 2008 to June 30, 2009 would cost \$59,217.00, of which \$44,413.00 (75%) would be provided by the grantor and \$14,804.00 (25%) would be provided by the city; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Police Department is authorized to accept the grant without further approval unless its terms change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it
Further Resolved, That the City Comptroller is authorized to:

Commit funds within the Project/Grant Parent of the 2008 Special Revenue-Grant and Aid Projects Fund, the following amounts for the project titled Domestic Violence Liaison Project Grant:

Project/Grant	Fund	Org	Program	BY Subclass	Account
GR0000800000	0150	9990	0001	0000 R999	000600

Project	Amount
Grantor Share	\$44,413

2. Create the necessary Grant and Aid Project/Grant and Project/Grant levels; budget against these Project/Grant values the amounts required under the grant agreement;

3. Establish the necessary City share Project Values; and, be it Further Resolved, That these funds are budgeted for the Milwaukee Police Department which is authorized to:

Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10 percent; and, be it

Further Resolved, That the 2008 Positions Ordinance be amended as follows to reflect the change in footnote (A):

(A) Domestic Violence Liaison Project Grant. Position authority to expire 06/30/09 unless the Domestic Violence Liaison Project Grant funding is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

16. [080417](#) Substitute resolution relative to application, acceptance and funding of the Bioterrorism-Lab Grant from the Wisconsin State Lab of Hygiene.
- Whereas, The City of Milwaukee appears to be eligible for grant funds from the State of Wisconsin Lab of Hygiene to enhance local public health agency capacity to prepare and respond to bioterrorism; and
- Whereas, The operation of this grant project from 01/01/08 to 08/31/08 would cost \$53,000 provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the

State of Wisconsin Lab of Hygiene is authorized and the Health Department shall accept this grant without further approval unless the terms of the grant change as indicated in Milwaukee Code of Ordinances Section 304-81; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue Grant and Aid Project fund, the following amounts for the project titled Bioterrorism -Lab Grant:

Project/Grant	GR0000800000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$53,000

2. Create the necessary Special Revenue Fund - Grant and Aid Project Project/Grant and Project Levels; budget to these Project/Grant Values the amount required under the grant agreement; and, be it

Further Resolved, That these funds are appropriated to the Health Department which is authorized to:

Expend from the amount appropriated sums for specified purposes as indicated in the grant budget and incur costs consistent with the award date;

Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff; and,

Enter into subcontracts as detailed in the grant budget; and, be it

Further Resolved, That the Common Council directs that the 2008 Positions Ordinance C.C. File Number 070605, should be amended as follows:

Under

HEALTH DEPARTMENT

Change Footnote (Q) to read as follows:

To expire 08/31/08 unless the Bioterrorism-Lab Grant available from the Wisconsin State Lab of Hygiene is extended.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

17. [080491](#) Substitute resolution authorizing the City to provide an additional health care plan for City Medicare retirees only.

Whereas, The City desires to control health care costs for all employees and for all retirees; and

Whereas, The City desires to control the monthly health care premiums paid by City retirees over 65 with Medicare; and

Whereas, City retirees have been leaving the City health plans and selecting a Humana Medicare Gold plan or a Secure Horizons Medicare Complete plan with different benefit structures but lower monthly premiums than the City plans; and

Whereas, City retirees would desire a Medicare supported plan that provides the same benefits and networks as the City plans; and

Whereas, The Secure Horizons Medicare Complete plan has proposed a plan that reduces the monthly premium while maintaining the benefit level and network provider level; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of Employee Relations is authorized to add an additional health care plan for the category single with Medicare or the category two with Medicare in 2009.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

CONFIRMATION OF THE FOLLOWING:

18. [080463](#) Appointment of Rhonda Kelsey to serve as the City Purchasing Director by the Mayor.
- A motion was made by ALD. MURPHY that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Wade

PLACING ON FILE THE FOLLOWING:

19. [071626](#) Communication from the Department of Employee Relations relative to classification studies scheduled for Fire and Police Commission action.
- A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Wade
20. [080055](#) Reappointment of Cheryl Oliva to serve as the City Purchasing Director by the Mayor.
- A motion was made by ALD. MURPHY that this Appointment be PLACED ON FILE. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Wade
21. [080250](#) Communication from the Department of Administration - Budget and Management Analysis Division regarding various vacancy requests, fund transfers and equipment requests.
- A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:**

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

22. [080309](#) Communication from the Department of Employee Relations relative to classification studies scheduled for City Service Commission action.

A motion was made by ALD. MURPHY that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

23. [080341](#) Communication from the Comptroller's Office relating to the Audit of City Treasurer Cashiering Controls.

A motion was made by ALD. MURPHY that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

THE FINANCE AND PERSONNEL COMMITTEE FURTHER RECOMMENDS:

---The following item may be referred from the SPECIAL Finance & Personnel Committee meeting held on Wednesday, July 30, 2008 at 8:30 A.M.

24. [080011](#) Substitute resolution relating to an intergovernmental agreement between the City of Milwaukee and the City of New Berlin relating to the sale of water for considerations separate and distinct from those under the authority of the Public Service Commission of Wisconsin.

Ald. Murphy asked that he be granted more time to properly prepare a motion to take this matter from committee.

A motion was made by ALD. MURPHY that this Resolution be TAKEN FROM COMMITTEE. The motion PREVAILED by the following vote:

Aye: 10 - Hamilton, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 2 - Kovac Bauman

Excused: 3 - Davis, Wade Witkowiak

Ald. Murphy moved to amend by amending the 5th "Whereas" clause to read as follows:

Whereas, Among other provisions, this agreement states both parties agree that neither party shall take any action to solicit businesses to relocate from the City of Milwaukee to the City of New Berlin, or the City of New Berlin to the City of Milwaukee; and the City of New Berlin further agrees it shall not offer any economic incentives to any business to move from the City of Milwaukee to the City of New Berlin; now, therefore, be it

Further, Article III-C of the Agreement, attached to the file shall be amended to reflect this change.

A motion was made by ALD. MURPHY that this Resolution be AMENDED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

[080011](#)

Substitute resolution relating to an intergovernmental agreement between the City of Milwaukee and the City of New Berlin relating to the sale of water for considerations separate and distinct from those under the authority of the Public Service Commission of Wisconsin.

Whereas, Common Council File Number 071076, adopted December 11, 2007, directed the proper city officials to engage in discussions and negotiations with the City of New Berlin relative to a potential expansion of the area in New Berlin to be supplied by water from the Milwaukee Water Works; and

Whereas, The Public Service Commission of the State of Wisconsin has indicated that the City of Milwaukee is allowed to negotiate provisions separate from those to be included in a water services agreement, provided that such provisions do not conflict with the Commission's regulatory authority; and

Whereas, City officials have negotiated an intergovernmental agreement between the City of Milwaukee and the City of New Berlin relating to the sale of water for considerations separate and distinct from those under the authority of the Public Service Commission of Wisconsin; and

Whereas, This intergovernmental agreement, a copy of which is included as an attachment to this file, provides for a \$1.5 million payment to the city's general fund from the City of New Berlin as well as provisions that should enhance cooperation between the 2 communities; and

Whereas, Among other provisions, this agreement states both parties agree that neither party shall take any action to solicit businesses to relocate from the City of Milwaukee to the City of New Berlin, or the City of New Berlin to the City of Milwaukee; and the City of New Berlin further agrees it shall not offer any economic incentives to any business to move from the City of Milwaukee to the City of New Berlin; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the aforementioned intergovernmental agreement is approved; and, be it

Further Resolved, That the proper city officials are authorized and directed to take the necessary actions to implement this intergovernmental agreement.

A motion was made by ALD. MURPHY that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 9 - Hamilton, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski Zielinski

No: 3 - Kovac, Bauman Hines Jr.

Excused: 3 - Davis, Wade Witkowiak

A motion was made by ALD. BOHL that this Resolution be RECONSIDERED. The motion FAILED by the following vote:

Aye: 4 - Kovac, Bauman, Murphy Hines Jr.

No: 8 - Hamilton, Bohl, Coggs, Donovan, Puente, Dudzik, Witkowski Zielinski

Excused: 3 - Davis, Wade Witkowiak

THE JUDICIARY & LEGISLATION COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [080353](#) Resolution approving revised Municipal Court Non-Traffic and Boating Deposit Schedules.

Whereas, Section 800.03(3), Wis. Stats., states that “The amount of the deposit shall be set by the municipal judge, but shall not be effective until approved by the governing body of the municipality,” to wit, the Common Council of the City of Milwaukee, and it is necessary to approve revised Municipal Court Deposit Schedules; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves and adopts the revised deposit schedules of the Municipal Court which is attached to this file.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade
2. [080364](#) Substitute resolution relating to an appeal from Alan Peters for loss of property.

Whereas, Members of the Judiciary and Legislation Committee have reviewed the records to this claim in the amount of \$4,549.98 related to a 1990 Oldsmobile and alleged contents of a vehicle that was sold by the City of Milwaukee. Based on this review, members of the Committee recommend the claimant be reimbursed \$1000 in payment of this claim; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper city officers be and they hereby are authorized and directed to issue a city check in the total sum of \$1,000 payable to Alan Peters, 1501 South 113th St. Milwaukee, WI, 53214, to reimburse for the loss; and be it

Further Resolved, That the check is to be delivered upon presentation of a proper release, approved by the City Attorney; said amount to be charged to Account No. 636505, Fund - 0001, Organization - 1490, Program - 2631, Sub Class - S118. This resolution would release the City from any further liability arising from this incident.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

3. [080393](#) Resolution canceling a City invoice against Super Excavators.
- Whereas, The City of Milwaukee has received a settlement payment; and
- Whereas, The City of Milwaukee's contractor made a crossover in the median for vehicular access; and
- Whereas, The irrigation system would have been damaged regardless; and
- Whereas, The Department of Public Works has agreed to split the cost of repairs 50/50; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the following claim is cancelled and that any judgments shall remain and be a matter of record:

Invoice to be Cancelled or Adjusted:

Department	Invoice No.	Amount of Judg.	Defendant
DPW-Administration	88944	\$10,629.10	Super Excavators

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

4. [080419](#) Substitute resolution submitting to the electors for approval or disapproval a proposed ordinance requiring employers within the City of Milwaukee to provide paid sick leave to employees.
- Whereas, A petition has been filed with the City Clerk pursuant to s. 9.20, Wis. Stats., requesting that an ordinance, requiring employers within the City of Milwaukee to provide paid sick leave to employees, either be passed without alteration by the Common Council or referred to a vote of the electors; and
- Whereas, On July 8, 2008, the City Clerk certified the petition to be sufficient and the proposed ordinance to be in proper form, under s. 9.20, Wis. Stats., and forwarded

the petition and proposed ordinance to the Common Council for consideration; and

Whereas, The Common Council has determined that the ordinance shall, without alteration, be submitted to the electors of the City of Milwaukee for their approval or disapproval at the next general election held in the city; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following shall be submitted to the electors of the City of Milwaukee at the November 4, 2008, general election:

1. A question shall be printed on the ballot worded as follows:

“Shall the City of Milwaukee adopt Common Council File 080420, being a substitute ordinance requiring employers within the city to provide paid sick leave to employees?”

2. A concise statement of the nature of the substitute ordinance referred to above shall be printed on the ballot.

; and, be it

Further Resolved, That pursuant to s. 10.06(3), Wis. Stats., the municipal clerk shall publish the appropriate notices of the ordinance that is to be submitted to the electors of the City of Milwaukee, and prepare and distribute ballots as required in this authorization of submission in conformity with the applicable provisions of the Wisconsin Statutes.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Zielinski Hines Jr.

No: 2 - Donovan Witkowski

Excused: 1 - Wade

5. [080448](#) Resolution authorizing settlement in the case entitled Morales v. Jones, et al.

Whereas, The plaintiff, Alfonso Morales, and another individual have filed a lawsuit against the City of Milwaukee, Monica Ray and Arthur Jones which resulted initially in a judgment of \$285,531.43; and

Whereas, Following an appeal, the plaintiff, Alfonso Morales, has agreed to settle this lawsuit in the amount of \$112,000.00; and

Whereas, The City Attorney recommends and the Common Council of the City of

Milwaukee deems it expeditious and just to pay this lawsuit; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials be and are hereby authorized and directed to issue a City check in the amount of \$112,000.00 payable to the order of Rettko Law Offices, S.C. Trust Account, in full and final settlement of all monetary damages sought in this lawsuit, including reasonable attorney's fees and costs, on receipt of a Release of Claims, approved as to form and execution by the City Attorney, said amount to be charged to the Damages and Claims Fund, Account No. 0001 1490 S118 006300.

A motion was made by ALD. HAMILTON that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

PLACING ON FILE THE FOLLOWING:

6. [071663](#) Resolution relating to an appeal from Cleo Theresa Simmons for property damage and loss of property. (1st Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

7. [080418](#) Communication transmitting petitions relating to requiring employers to provide paid sick days for persons they employ in the City of Milwaukee.

A motion was made by ALD. HAMILTON that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

8. [080420](#) A substitute ordinance requiring employers within the city to provide paid sick leave to employees.

A motion was made by ALD. HAMILTON that this Ordinance be PLACED ON FILE. This motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

9. [080456](#) Substitute resolution directing the Department of Administration-Intergovernmental Relations Division to seek introduction and passage of state legislation allowing the collection of neighborhood improvement district special assessments from residential properties containing less than 8 dwelling units.

A motion was made by ALD. HAMILTON that this Resolution be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

DISALLOWANCE AND INDEFINITE POSTPONEMENT OF THE FOLLOWING:

10. Various claims against the city:

- a. [080008](#) Resolution relating to an appeal from Gregory Liebergen for property damage.

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. This motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- b. [080219](#) Resolution relating to the claim of Kickie Coleman for property damage. (1st Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- c. [080358](#) Resolution relating to an appeal from Olivia Green for personal injuries. (15th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- d. [080360](#) Resolution relating to an appeal from Donaven Gauger for property damage. (11th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- e. [080361](#) Resolution relating to an appeal from Lynn Brown for property damage. (7th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. This motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- f. [080362](#) Resolution relating to an appeal from Rina Ragsdale for property damage. (1st Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- g. [080363](#) Resolution relating to an appeal from Ervin Jackson for property damage. (5th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- h. [080365](#) Resolution relating to an appeal from Sharon Mary Theresa Maliszewski for property damage. (14th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- i. [080366](#) Resolution relating to an appeal from Rosalee Patrick for property damage.

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

- j. [080367](#) Resolution relating to an appeal from Renee Wright for property damage. (9th Aldermanic District)

A motion was made by ALD. HAMILTON that this Resolution be DISALLOWED AND INDEFINITELY POSTPONED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Donovan

Excused: 1 - Wade

THE ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [080145](#) Substitute ordinance relating to the change in zoning from Industrial Heavy to Parks District on land located generally East and West of the 35th Street Viaduct and North of West Canal Street for a community park in the Menomonee Valley Industrial Center, in the 8th Aldermanic District.

Resolved, That the Mayor and Common Council of the City of Milwaukee, do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances a new section to read as follows:

Section 295-903(1).0005. The zoning map is amended to change the zoning for the area bounded and described by the west line of West Canal Street, the north line of West Milwaukee Road, the east line of South 36th Street (extended) and the south line of the railroad right-of-way, from Industrial Heavy (IH) to Parks District (PK).

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

2. [080175](#) An ordinance relating to zoning regulations for general or government offices in the industrial-heavy zoning district.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-803-2-f of the code is amended to read:

295-803. Uses.

2. LIMITED USE STANDARDS.

f. General Office or Government Office. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-industrial >>principal<< use and has been occupied by such non-industrial >>principal<< use within the past 12 months.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

3. [080176](#) Substitute ordinance relating to the First Amendment to the General Planned Development known as Bishops Creek, on land located at 4763 North 32nd Street, in the 1st Aldermanic District.
- The Mayor and Common Council of the City of Milwaukee (“Common Council”), do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances (“Code”) a new section to read as follows:

Section 295-907(2)(a).0043.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject amended General Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the area bounded and described as follows:

The zoning map is amended to change the zoning for Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Lot B, Block 21, in North Milwaukee Townsite Company's Addition No. 2, in the Northeast 1/4 of Section 1, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin, except that part conveyed in the deed recorded as Document Number 7990235; and

Lands in the Southeast 1/4 of Section 36, Township 8 North, Range 21 East, bounded by the west line of North 32nd Street, the north line of West Hampton Avenue and the southeast boundary line of the Chicago, Milwaukee and St. Paul Railroad right-of-way.

(3) The requirements set forth in said general plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such general plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the general plan

to all conditions and limitations set forth in such general plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

4. [080195](#) A substitute ordinance relating to storm water management regulations.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 115-14 of the code is created to read:

115-14. Street Design Standards. The following design standards apply to the design, construction or reconstruction of new or existing streets by the commissioner of public works and by the city.

1. The commissioner shall employ street design standards to minimize street pavement width and to provide only the pavement width necessary to ensure safe movement of traffic. The pavement width for a local street, as defined in s. 295-201-643, shall be not less than 22 feet and not more than 36 feet unless otherwise approved by the common council.

2. The minimum radius for the paved portion of a cul-de-sac shall be 35 feet.

3. A landscaped island shall be created in any cul-de-sac having a paved-area radius greater than 35 feet. This requirement may be waived by the common council.
4. Alternatives to cul-de-sac turnaround design, including but not limited to hammerheads and loop roads, shall be permitted for residential streets.
5. Vegetated open channels shall be permitted along residential streets with openings in the curb face or other conveyance methods that maintain curb and gutter.
6. Flush curbs or curb cuts that direct runoff into landscaped islands shall be permitted.
7. The minimum width of a tree border on a local street, as defined in s. 295-201-643, shall be 6 feet. This requirement may be waived by the common council.
8. The portion of the street right-of-way commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb may be designated and used for storm water treatment purposes.

Part 2. Section 115-22.5 of the code is created to read:

115-22.5. Street and Alley Construction. The use of permeable paving, as defined in s. 200-08-68.5, shall be permitted for city streets and alleys.

Part 3. Section 115-23 of the code is amended to read:

115-23. Driveways. The commissioner is empowered to determine the type, width, location and number of driveways and to regulate the distance between driveways to provide for the safety of pedestrians, provided, however, any driveway in excess of 30 feet in width must be approved by the common council [, or by the local alderman and the commissioner of public works]]. He >>or she<< may issue a permit for the construction of a standard, depressed or raised street pavement driveway. See s. 81-45 for the required permit fee. All driveways shall be constructed in accordance with the provisions of the specifications of the city which may be supplemented by any additional reasonable rules and regulations of the commissioner as to the materials used and the manner and methods to be adopted and employed during the construction of such driveways. >>The use of permeable paving, as defined in s. 200-08-68.5, in the construction of driveways shall be permitted.<<

Part 4. Section 115-24-1 of the code is amended to read:

115-24. Sidewalk Construction; Exceptions.

1. Sidewalks shall be constructed of concrete >>or permeable paving, as defined in s. 200-08-68.5,<< and constructed in accordance with the specifications of the city. Provided further, that so much of the sidewalk area commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb, may be laid or constructed of >>permeable paving<< stone, brick [[,]] >>or<< concrete pavers [[or bituminous material]] where the material and manner of laying are approved by the commissioner. >>The tree border may also be used for storm water treatment purposes.<<

Part 5. Section 116-39 of the code is created to read:

116-39. Storm Water Treatment or Storage. a. Treatment. The portion of a street right-of-way commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb may be used for storm water treatment purposes.

b. Storage. The paved portion of a public street may be used for temporary storage of storm water when such storage is deemed appropriate by the commissioner of public works. The commissioner shall determine the method, location and duration of any storm water storage on public streets.

Part 6. Section 119-1-1-j of the code is created to read:

119-1. Purpose of Chapter.

1. The purpose of this chapter is to:

j. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

Part 7. Section 119-11-1-d of the code is created to read:

119-11. Principles of Design.

1. GENERAL.

d. The subdivision shall be designed to preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield succession of native and non-native plants.

Part 8. Section 119-11-3.5 of the code is created to read:

- 3.5. STREET DESIGN. a. The pavement width for a local street, as defined in s. 295-201-643, shall be not less than 22 feet and not more than 36 feet unless otherwise approved by the common council.
- b. The minimum radius for the paved portion of a cul-de-sac shall be 35 feet.
- c. A landscaped island shall be created in any cul-de-sac having a paved-area radius greater than 35 feet. This requirement may be waived by the common council.
- d. Alternatives to cul-de-sac turnaround design, including but not limited to hammerheads and loop roads, shall be permitted for residential streets.
- e. Vegetated open channels shall be permitted along residential streets with openings in the curb face or other conveyance methods that maintain curb and gutter.
- f. Flush curbs or curb cuts that direct runoff into landscaped islands shall be permitted.
- g. The minimum width of a tree border on a local street, as defined in s. 295-201-643, shall be 6 feet. This requirement may be waived by the common council.
- h. The portion of the street right-of-way commonly known as the tree border and located between the curb and the outside line of the sidewalk closest to the curb may be designated and used for storm water treatment purposes.

Part 9. Section 119-12-1-b and c of the code is amended to read:

119-12. Required Improvements.

1. AGREEMENT WITH CITY.

- b. Surfacing for streets, alleys and pedestrian ways shown on the plat with the type of pavement approved by the commissioner of public works and in accordance with approved city plans and specifications. >>The commissioner may approve the use of permeable paving, as defined in s. 200-08-68.5, for parking lanes, alleys and pedestrian ways.<<
- c. Concrete sidewalks >>or sidewalks constructed of permeable paving, as defined in s. 200-08-68.5,<< along both sides of every street in a residentially zoned area, and along at least one side of every street in areas zoned other than residential shown on the plat, in accordance with applicable standard specifications of the department of

public works; provided, however, that the common council may waive or defer any or all of these requirements.

Part 10. Section 120-1-1-f of the code is created to read:

120-1. Purpose of Chapter.

1. The purpose of this chapter is to:

f. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

Part 11. Section 120-9-2-d and 3-a of the code is amended to read:

120-9. Storm Water Management Plan.

2. EXISTING SITE CONDITIONS.

d. Vegetation >>, including grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants<< .

3. SITE ALTERATIONS.

a. Areas where vegetation is disturbed or planted >>, including areas of grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants<< .

Part 12. Section 120-9-5-c to f is renumbered 120-9-5-d to g.

Part 13. Section 120-9-5-c of the code is created to read:

5. BEST MANAGEMENT PRACTICES.

c. Areas of vegetation intended to perform storm water retention or percolation functions. Trees shall be permitted in these areas.

Part 14. Section 120-9-6-a of the code is amended to read:

6. GUARANTEE.

a. The plan shall also be accompanied by an irrevocable letter of credit, certified check or surety bond to guarantee implementation and completion of storm water

management plans. By submitting the guarantee, the person consents to allowing the city to inspect the best management practices constructed to meet requirements of the storm water management plan. >>After construction of the storm water management facilities has been completed, the person shall submit a written certification from a registered professional engineer that the facilities have been constructed in accordance with the storm water management plan. The person or the registered professional engineer shall submit the certification to the city engineer.<< After the [[best management practices are inspected and approved by the city]] >>city engineer receives the certification<< , that portion of the guarantee not utilized under s. 120-17 shall be released or returned.

Part 15. Section 225-01 of the code is amended to read:

225-01. Adoption of State Law. Except as otherwise provided in this chapter, the city adopts ss. 145.01, 145.06, 145.11, 145.15(4) and 145.175, Wis. Stats., as amended, and chs. Comm [[82]] >>81<< to 87, Wis. Adm. Code, as amended, as part of this code.

Part 16. Section 225-4-2 of the code is repealed and recreated to read:

225-4. Drainage of Yard Areas and Roofs.

2. ROOF RAINWATER LEADERS (CONDUCTORS). a. Discharge to Finished Grade; When Permitted. All buildings, including accessory buildings, may discharge roof rainwater leaders, conductors or downspouts to finished grade provided the discharge to finished grade meets all of the following provisions:

a-1. The point of discharge shall be a minimum of 2 feet from a basement or a foundation wall of alley property line and 5 feet from all other property lines.

a-2. The discharge shall flow parallel to or away from the nearest property line.

a-3. The discharge water shall not discharge to a street, alley or other public way.

a-4. The discharge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

a-5. The downspout hub shall be sealed with a 1” concrete cap or in a manner approved by the commissioner.

b. Connection to Sewer Required. Whenever discharge to finished grade from the roof rainwater leaders, conductors or downspouts of any building, including any accessory building, cannot meet the provisions of par. a, all roof rainwater leaders,

conductors or downspouts shall be mechanically connected to the storm sewer or combined sewer, or to an approved storm sewer facility when they are available and abutting the property. This shall include parcels that have access by easement or private roads when the storm sewer is available at the point of access.

c. Waiver. Any provision of par. a may be waived by the commissioner if the property owner submits, and the commissioner accepts, plans for a discharge system designed by a registered civil engineer for purposes of complying with the intent of par. a.

d. Use as Support Prohibited. No conductor, roof rainwater leader or downspout shall be used as a support for any part of a building, structure or appendage to same.

e. Installation and Maintenance. All outside roof leaders (conductors) installed under or in the ground shall be installed as regulated in s. Comm 82.36, Wis. Adm. Code. Conductors shall terminate with an approved pipe above grade. The sheet metal conductors shall be connected and sealed to the pipe in an approved manner. Roof leaders (conductors) connecting to the storm building drain in the basement shall be of an approved pipe material to a point at least 2 feet inside the basement foundation wall. Roof leaders (conductors) shall be maintained in good repair and free of stoppages.

f. Discharge into Catch Basin or Sand Interceptor Prohibited. Rainwater leaders in the combined sewer area shall not discharge into a catch basin or sand interceptor. The sewer from the rainwater leader shall bypass the catch basin or sand interceptor and shall have a direct connection to the sewer system.

Part 17. Section 252-75-1 of the code is amended to read:

252-75. Planting and Maintenance of Vegetation.

1. VEGETATION REQUIRED. In addition to any applicable requirements of ch. 295, within one year of occupancy of any single-, 2- or multi-family dwelling, a land-disturbing addition to such dwelling or an accessory structure related to such dwelling, the premises upon which such dwelling is located shall be covered with seeded or sodded grass, trees, shrubs, gardens or other vegetation. Such vegetation shall not contain Canada thistle, leafy spurge, field bindweed or any other weed which the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious. The vegetation shall thereafter be maintained and shall not be replaced with gravel, pavement or any other non-vegetation material. The area upon which vegetation shall be planted and maintained includes any unpaved portion of the public

street between the property line and the curb or edge of the street pavement; however, no vegetation other than grass shall be planted and maintained on public street right-of-way unless approved by the commissioner of public works in accordance with ch. 116. >>The landscaped areas required by this subsection may be used for storm water treatment purposes.<<

Part 18. Section 290-7-2-f of the code is created to read:

290-7. Control of Erosion and Pollutants.

2. REQUIREMENTS.

f. Native Vegetation. The land development or land disturbing activity shall preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants.

Part 19. Section 290-9-1-0 and a-5 of the code is amended to read:

290-9. Control Plan for Building and Site Development.

1. ACTIVITIES COVERING [[MORE THAN]] ONE ACRE >>OR MORE<< .
The control plan for land disturbing activities covering [[more than]] one acre >>or more<< shall consist of:

a-5. Vegetative cover >>, including the location of any grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants, that will be preserved or destroyed in conjunction with the land-disturbing activity<< .

Part 20. Section 295-103-22 of the code is created to read:

295-103. Purpose.

22. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

Part 21. Section 295-201-433 of the code is amended to read:

295-201. Definitions.

433. PARKING SPACE means an area set aside [[and]] >>,<< designated >>and of sufficient size<< for the parking of one [[motor vehicle]] >>automobile, van,

sport-utility vehicle or truck with a cargo capacity of 1.5 tons or less, but does not include a designated motorcycle parking space<< .

Part 22. Table 295-403-2-a of the code is amended to read:

□

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE

Uses No. of Parking Spaces Required

RESIDENTIAL USES

Single-family dwelling [[min. of one space]] >>no min.<< ; max. of 4 spaces

Two-family dwelling [[min. of one space per dwelling unit]] >>no min.<< ; max. of 4 spaces on the premises

Multi-family dwelling:

Zoning Districts

Min. ratio of

parking spaces to dwelling units* RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1

1:1 RT4, RM5, RM6, RM7, RO2, NS2, LB2, RB2,

CS, C9A, IM

2:3

* Note:

In RM6, RM7, C9A and IM districts, a private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units.

Attached single-family dwelling min. of one space; max. of 4 spaces

Live-work unit one for each live/work unit in the building

Mobile home N.A.

Watchman/service quarters None

Family day care home see requirement for dwelling unit type

GROUP RESIDENTIAL USES

Rooming house one for every 2 rooms

Convent, rectory or monastery one per facility

Dormitory one for every 15 beds or fraction thereof

Fraternity or sorority one for every 2 rooms

Adult family home one

Foster Homes

Foster family home one

Small foster home one

Group home or group foster home one

Shelter Care Facilities

Family shelter care facility one

Small group shelter care facility one

Large group shelter care facility one

Community living arrangement one

Transitional living facility one per dwelling unit

EDUCATIONAL USES

Day care center None (limited use) or as required by the board (special use)

School, elementary or secondary none

College none

School, specialty or personal instruction none

COMMUNITY-SERVING USES

Library none

Cultural institution none

Community center as required by the board for special use approval

Religious assembly one for every 6 seats in the assembly hall

Cemetery or other place of interment none

Public safety facility none

Correctional facility none

COMMERCIAL AND OFFICE USES

General office one for each [[250]] >>500<< sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. ft. of gross floor area in excess of 2,000 sq. ft. >>; storage or utility spaces shall not be included when calculating gross floor area<<

Government office see general office

Bank or other financial institution see general office

Currency exchange, payday loan or title loan agency see general retail establishment

Installment loan agency see general retail establishment

Retail establishment, general [[one for each 500 sq. ft. of gross floor area on the first floor; one for each 1,000 sq. ft. of gross floor area on the 2nd floor and above]]

>>min. of one for each 1,000 sq. ft. of gross floor area; max. of 3.5 for each 1,000 sq. ft. of gross floor area unless otherwise permitted pursuant to s. 295-403-2-e; storage or utility spaces shall not be included when calculating gross floor area<<

Garden supply or landscaping center see general retail establishment

Home improvement center see general retail establishment

Secondhand store see general retail establishment

Outdoor merchandise sales one for each 500 sq. ft. of outdoor or indoor space devoted to the display of goods for sale

Artist studio none

Adult retail establishment see general retail establishment

HEALTH CARE AND SOCIAL ASSISTANCE USES

Medical office see general office

Health clinic see general office

Hospital one for every 4 beds

Medical research laboratory see general office

Medical service facility see general office

Social service facility see general office

Emergency residential shelter as required by the board for special use approval

Nursing home one for every 4 beds

GENERAL SERVICE USES

Personal service establishment see general office
Business service see general office
Building maintenance service see general office
Catering service see general office
Funeral home one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces
Laundromat see general retail establishment
Dry cleaning establishment see general retail establishment
Furniture and appliance rental and leasing see general retail establishment
Household maintenance and repair service see general retail establishment
Tool/equipment rental facility see general retail establishment

Animal Services

Animal hospital/clinic see general retail establishment
Animal boarding facility see general retail establishment
Animal grooming or training facility see general retail establishment

MOTOR VEHICLE USES

Light Motor Vehicle

Sales facility none (permitted use) or as required by the board (special use)
Rental facility none (permitted or limited use) or as required by the board (special use)
Repair facility as required by the board for special use approval
Body shop none (permitted use) or as required by the board (special use)
Outdoor storage none (permitted use) or as required by the board (special use)
Wholesale facility none

Heavy Motor Vehicle

Sales facility none (permitted use) or as required by the board (special use)
Rental facility none (permitted use) or as required by the board (special use)
Repair facility none (permitted use) or as required by the board (special use)
Body shop none (permitted use) or as required by the board (special use)
Outdoor storage none (permitted use) or as required by the board (special use)

General Motor Vehicle

Filling station as required by the board for special use approval
Car wash none
Drive-through facility none

Parking

Parking lot, principal use N.A.
Parking lot, accessory use N.A.
Parking structure, principal use N.A.
Parking structure, accessory use N.A.
Heavy motor vehicle parking lot, principal N.A.
Heavy motor vehicle parking lot, accessory N.A.

ACCOMODATION AND FOOD SERVICE USES

Bed and breakfast one for each sleeping room, plus one additional space

Hotel, commercial one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above

Hotel, residential one for every 2 sleeping rooms

Tavern see general retail establishment

Assembly hall one for every 1,000 square feet of gross floor area or fraction thereof

Restaurant, sit-down see general retail establishment

Restaurant, fast-food/carry-out see general retail establishment

ENTERTAINMENT AND RECREATION USES

Park or playground none

Festival grounds none

Recreation facility, indoor see general retail establishment

Recreation facility, outdoor as required by the board for special use approval

Health club see general retail establishment

Sports facility as required by the board for special use approval

Gaming facility N.A.

Theater one for every 100 square feet of floor area in the theater auditorium

Convention and exposition center as required by the board for special use approval

Marina none

Outdoor racing facility as required by the board for special use approval

Adult entertainment establishment see general retail establishment

STORAGE, RECYCLING AND WHOLESALE TRADE USES

Recycling collection facility none

Mixed-waste processing facility none

Material reclamation facility none

Salvage operation, indoor none

Salvage operation, outdoor none

Wholesale and distribution facility, indoor none

Wholesale and distribution facility, outdoor none

Storage Facilities

Indoor none

Outdoor none

Hazardous materials none

TRANSPORTATION USES

Ambulance service see general office

Ground transportation service see general office

Passenger terminal none

Helicopter landing facility none

Airport none

Ship terminal or docking facility none

Truck freight terminal none

Railroad switching, classification yard or freight terminal none

INDUSTRIAL USES

Manufacturing, light none
Manufacturing, heavy none
Manufacturing, intense none
Research and development none
Processing or recycling of mined materials none
Contractor's shop see general office
Contractor's yard none

AGRICULTURAL USES

Plant nursery or greenhouse none
Raising of crops or livestock none

UTILITY AND PUBLIC SERVICE USES

Broadcasting or recording studio see general office
Transmission tower see general office
Water treatment plant see general office
Sewerage treatment plant see general office
Power generation plant see general office
Substation/distribution equipment, indoor see general office
Substation/distribution equipment, outdoor see general office

TEMPORARY USES

Seasonal market none
Temporary real estate sales office none
Temporary concrete/batch plant none
Live entertainment special event none

Part 23. Section 295-403-2-b-3-b of the code is amended to read:

295-403. Parking.

2. NUMBER OF SPACES.

b. Adjustment to Number Required.

b-3-b. The peak hours of parking demand for the uses served by the shared parking facility do not coincide [[and the peak aggregate parking demand on all uses served shall not exceed the available number of parking spaces at any given time]] .

Part 24. Section 295-403-2-b-3-c of the code is repealed.

(Note: The provision being repealed reads as follows:

b-3-c. The quantity and efficiency of the shared parking facility will serve the uses as well as, or better than, the normally required parking spaces.)

Part 25. Section 295-403-2-b-3-d of the code is amended to read:

b-3-d. The required [[numbers of loading berths and]] >>number of<< bicycle parking spaces will be provided.

Part 26. Section 295-403-2-b-4 of the code is amended to read:

b-4. A reduction of [[15%]] >>25%<< in the number of parking spaces required if the use is located in the area bounded by [[West]] Capitol Drive on the north, Lincoln Avenue on the south, Lake Michigan on the east and 43rd Street/Sherman Boulevard on the west >>or is within 1,000 feet of any regularly scheduled bus stop<< . This reduction is permitted because of the relatively high availability of public transit service and resultant potential for reduced parking demand in [[this]] >>the designated<< area >>and in locations in close proximity to bus stops<< . >>A reduction of 25% shall also be permitted if the property owner or developer submits written documentation of an ongoing, formally-established bike-and-shower or car pool program at the principal use of the premises and the commissioner determines that the bike-and-shower program or car pool program is of sufficient magnitude and duration to warrant the reduction.<<

Part 27. Section 295-403-2-b-7 of the code is created to read:

b-7. One space for each space in a public parking lot or public parking structure located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

Part 28. Section 295-403-2-c of the code is amended to read:

c. For a newly-constructed >>commercial<< building or >>commercial<< building addition with over 2,000 square feet of floor area, >>a minimum of<< one bicycle parking space shall be provided for each 2,000 square feet of floor area [[, up to a maximum of 10 spaces]] .

Part 29. Section 295-403-2-d and e of the code is created to read:

d. Shared Parking Required When Feasible. d-1. If the development is adjacent to a land use with off-street parking facilities and different hours of operation, and the applicant believes that provision of shared parking is infeasible, the applicant shall submit to the commissioner a signed affidavit indicating that the applicant has made a good-faith effort to locate shared parking facilities, documenting the nature and extent of that effort, and explaining the rationale for concluding that the provision of shared parking facilities is infeasible.

d-2. An applicant for a mixed residential and commercial development or a shopping center development adjacent to one or more existing mixed residential and commercial developments or shopping center developments shall submit to the commissioner a parking demand study that indicates whether off-street parking for the proposed development can be combined with off-street parking at the existing developments.

e. Exception to Exceed Maximum Number of Parking Spaces. e-1. The number of parking spaces provided for a general retail establishment, or for any land use for which the parking space requirement for a general retail establishment is cross-referenced in table 295-403-2-a, may exceed the maximum specified in table 295-403-2-a if the commissioner finds one or more of the following to be true:

e-1-a. The additional spaces will be located in a parking structure.

e-1-b. The development site will contain additional facilities for the handling or treatment of storm water runoff.

e-1-c. A parking demand study indicates that provision of more than the maximum number of spaces is warranted by anticipated parking demand.

e-1-d. The adverse environmental effects of allowing additional parking spaces will be offset by other mitigation measures approved by the commissioner, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

e-2. To qualify for the exception from the maximum number of parking spaces permitted, the property owner, developer or other applicant shall submit to the commissioner a written plan and supporting documents indicating an acceptable manner in which one or more of the criteria in subd. 1 will be met.

e-3. If the commissioner determines, using the criteria in subd. 1, that an exception from the maximum number of parking spaces is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance.

Part 30. Section 295-403-3-a and b of the code is amended to read:

3. STANDARDS OF DESIGN.

a. Dimensions. Parking spaces shall [[be a minimum of 8 feet wide and]] contain at

least 160 square feet, excluding drives, lanes or aisles, [[except that spaces designated for compact cars shall contain at least 120 square feet]] and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner >>, except that spaces designated for compact cars shall contain at least 120 square feet<<. [[At least]] >>A minimum of<< 50% of the required parking spaces in a parking area shall [[meet the 160-square-foot requirement]] >>be designated for compact cars<<.

b. Paving. All areas used for the parking of motor vehicles or trailers shall have paved or approved surfaces, as required in s. 252-74. >>The use of permeable paving, as defined in s. 200-08-68.5, is encouraged for all parking spaces provided above the minimum number required by this chapter.<<

Part 31. Section 295-403-3-f of the code is created to read:

f. Motorcycle Parking Spaces. Each motorcycle parking space shall measure at least 4 feet wide and 32 square feet in total area. Five motorcycle parking spaces may be provided in lieu of any required automobile parking space. Motorcycle parking spaces provided in lieu of an automobile parking space need not be contiguous.

Part 32. Section 295-405-1-c-1 of the code is amended to read:

295-405. Landscaping.

1. PERIMETER LANDSCAPING AND EDGE TREATMENTS.

c-1. Trees. Where required, trees shall be at least 2.5-inch-caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple [[,]] >>and<< linden [[and ash]], that has a leaf and branch structure that creates a uniform crown and an opaque tree canopy. If ornamental trees are used, they shall be spaced not more than 20 feet apart and the landscaped area measure at least 10 feet in width. If an ornamental tree projects over a public sidewalk, such projection shall be at least 7 feet above grade. >>The planting of ash trees and female ginkgo trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.<<

Part 33. Section 295-405-2-a of the code is amended to read:

2. INTERIOR PARKING LOT LANDSCAPING.

a. Trees >>and Shrubs<< Required. [[No interior parking lot landscaping shall be required for a parking lot having an area of less than 9,000 square feet. For a parking lot that is 9,000 square feet or more in area, one tree shall be provided for every

9,000 square feet of parking lot area or fraction thereof.]] >>Interior parking lot landscaping shall be required for any parking lot having an area of at least 7,500 square feet. Two trees and 2 shrubs shall be planted for every 8 spaces or fraction thereof, and may be planted in clusters. These landscaped areas shall cover at least 5% of the surface area of the parking lot.<< Trees shall be at least 2.5-inch-caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple [[,]] >>and<< linden [[and ash]], that has a leaf and branch structure which creates a uniform crown and an opaque tree canopy. [[Required trees shall be evenly distributed throughout the parking lot; no parking space shall be located more than 54 feet from the base of a required tree.]] >>The planting of ash trees and female ginkgo trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.<<

Part 34. Section 295-405-2-b of the code is repealed and recreated to read:

b. Applicability. b-1. The requirements of this subsection shall apply to both the construction of new parking lots and the reconstruction of existing parking lots.

b-2. A parking lot that is zoned industrial-light or industrial-heavy and does not abut or face an arterial or collector street shall be exempt from the interior parking lot landscaping requirement.

Part 35. Section 295-405-2-d of the code is created to read:

d. Waiver of Tree and Shrub Requirements. The tree and shrub planting and preservation requirements of par. a may be waived by the commissioner if interior parking lot landscaping is to be used for bioretention, bioswales, infiltration basins or rain gardens and the commissioner approves an alternative landscaping beautification plan for the parking lot.

Part 36. Section 295-405-4 of the code is created to read:

4. STORM WATER TREATMENT. Any landscaping installed pursuant to this subsection or any other provision of this chapter, including but not limited to required landscaping for motor vehicle display areas, parking lots, storage yards, outdoor equipment and residential buffers, may be used for storm water treatment purposes.

Part 37. Section 295-421 of the code is created to read:

295-421. Native Vegetation. All land development or redevelopment activities shall preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants. This shall not include preservation of Canada thistle,

leafy spurge, field bindweed or any other weed that the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious.

Part 38. Section 295-505-4-c-4 of the code is repealed and recreated to read:

295-505. Design Standards.

4. SITE STANDARDS.

c. Access Drives.

c-4. Shared Drives. For any single-family or 2-family dwelling, an access drive to the abutting public street may be shared with an adjoining single-family or 2-family dwelling provided there exists a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the shared drive and which assigns responsibility for maintenance of the drive.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. This motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 1 - Dudzik

Excused: 1 - Wade

5. [080268](#) Substitute ordinance relating to the change in zoning from a General Planned Development to a Detailed Planned Development known as Bishop's Creek, Phase 1, for development of affordable rental units, in the 1st Aldermanic District.

A motion was made by ALD. HAMILTON that this Ordinance be SUBSTITUTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

- [080268](#) Substitute ordinance relating to the change in zoning from a General Planned Development to a Detailed Planned Development known as Bishop's Creek, Phase 1, for development of affordable rental units, in the 1st Aldermanic District.

The Mayor and Common Council of the City of Milwaukee ("Common Council"), do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances (“Code”) a new section to read as follows:

Section 295-907(2)(c).0126.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for that part of Lot B of Block 21 of North Milwaukee Townsite Company’s Addition No. 2, in the Northwest 1/4 of the Northeast 1/4, Section 1, Township 7 North, Range 21 East, in the City of Milwaukee, Milwaukee County, Wisconsin, more particularly described as follows:

Commencing at the northwest corner of said Northeast 1/4; thence North 88 deg. 55 min. 43 sec. East, on and along the north line of said Northeast 1/4, 38.54 feet; thence North 89 deg. 17 min. 43 sec. East, on and along said north line, 941.05 feet; thence South 00 deg. 14 min. 25 sec. East, on and along the west right-of-way line of North 32nd Street and its extension, 407.69 feet to the point of beginning; thence North 89 deg. 34 min. 32 sec. East, 40.00 feet to the centerline of North 32nd Street; thence South 00 deg. 14 min. 25 sec. East, on and along said centerline, 296.33 feet; thence South 89 deg. 34 min. 32 sec. West, 239.92 feet; thence North 23 deg. 01 min. 19 sec. East, 14.27 feet; thence North 67 deg. 50 min. 41 sec. West, 66.21 feet; thence North 00 deg. 14 min. 25 sec. West, 182.82 feet; thence North 89 deg. 34 min. 32 sec. East, 80.00 feet; thence North 00 deg. 14 min. 25 sec. West, 75.00 feet; thence North 89 deg. 34 min. 32 sec. East, 175.50 feet to the point of beginning.

(3) The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to

the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

As substituted.

A motion was made by ALD. HAMILTON that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

6. [080344](#) An ordinance relating to code provisions relating to the city's property recording program.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 200-33-49.5 and 49.6 of the code is renumbered to 200-33-44.2 and 44.3.

Part 2. Section 200-33-44.2-0 and 44.3-0 of the code is amended to read:

200-33. Fees.

44.2 [[RESIDENTIAL AND COMMERCIAL BUILDING, CONDOMINIUM UNIT AND CONDOMINIUM ASSOCIATION RECORDING CODE ENFORCEMENT FEE]] >>PROPERTY RECORDING ENFORCEMENT FEE<<.

44.3 [[RESIDENTIAL AND COMMERCIAL BUILDING, CONDOMINIUM UNIT AND CONDOMINIUM ASSOCIATION RECORDING FEE]] >>PROPERTY RECORDING FEE<<.

Part 3. Section 200-51.5 of the code is repealed and recreated to read:

200-51.5. Property Recording.

1. PURPOSE. Recording of residential and commercial buildings, and condominium

units and associations is essential for the proper enforcement of the city's building and zoning code and to safeguard persons, property and general welfare.

2. DEFINITIONS. In this section:

- a. "Condominium association" means an association, as defined in s. 703.02 (1m), Wis. Stats.
- b. "Condominium-resident agent" means a resident agent as defined in s. 703.23, Wis. Stats.
- c. "Common elements" means common elements as defined in s. 703.02 (2), Wis. Stats.
- d. "Domicile" means the building or unit at issue which is the owner's true, fixed and permanent home where the individual intends to remain permanently and indefinitely, and to which, whenever absent, the individual intends to return, except that no individual may have more than one domicile at any time. It is the one residence that controls for determining the owner's legal rights and privileges such as voting rights, vehicle registration, driver licensure.
- e. "Local operator" means a person with charge, care, and control of the property, and in the case of a condominium association, a person with charge, care, and control of the condominium common elements.
- f. "Owner" means each person who jointly or severally is vested with all or part of legal title to (or beneficial ownership of) the premises, and who has the right to present use and enjoyment of the premises. The term includes, but is not limited to, a mortgagee in possession, a trustee, a trust, a life-estate holder, a remainderman, a condominium association, a land-contract seller, a land-contract buyer, a general partnership, a limited partnership, a limited liability partnership, a corporation, a limited liability company, and a cooperative.
- g. "Owner-occupied" means the owner is domiciled in the subject building or unit.
- h. "Person" means an individual or entity.
- i. "Physical address" means a unit-specific building or house number and street name, not a post-office box or commercial alternative to a post-office box.
- j. "7-county area" means the area within Milwaukee, Ozaukee, Kenosha, Racine, Walworth, Washington and Waukesha counties.

3. APPLICATION AND RECORDING REQUIRED.

- a. Recording Required. Except as specified in sub. 4, the following shall file with the department on forms provided by the department, an application for recording in compliance with this section:
 - a-1. Owners of residential or commercial buildings. One application for each tax-key-numbered parcel containing a residential or commercial building.
 - a-2. Owners of commercial condominium units. One application for each tax-key-numbered unit.
 - a-3. Owners of non-owner-occupied residential condominium units. One application for each tax-key-numbered unit.

- a-4. Condominium associations. One application for the common elements that are part of the condominium.
- b. Multiple Buildings on Same Tax-Key Number. Multiple buildings on a parcel with a single tax key number shall be recorded on one application.
- c. Local Operator Required If Owner or Condominium-Resident Agent is Outside 7-County Area. If the owner's principal place of business, in case of an entity, or owner's domicile, in the case of non-entity ownership, or the condominium-resident agent's domicile, in the case of a condominium association, is outside of the 7-county area, the owner, or, as the case may be, the condominium association, shall have a local operator with a physical address and domicile within the 7-county area with authority to accept notice of violations or enforcement of this section.
- d. Recording After Death. In the event of death of the owner of a building or condominium unit required to be recorded under this section, the subsequent owner shall file an application within 15 days after conveyance from the estate or other acquisition of interest. In the event of death of the condominium-resident agent of a condominium association required to be recorded under this section, the association shall have 60 days after that death to file an application naming a new condominium-resident agent. In the event of death of a local operator required under this section, the owner or condominium association, as the case may be, shall have 60 days after that death to file an application naming a new local operator.
- e. Recording After Conveyance or Change in Ownership. In the event of any conveyance of any building or condominium unit required to be recorded under this section, the new owner shall file a new application for recording and pay the fee required within 15 days of the date of conveyance, or if the conveyance is by sale after foreclosure, then within 15 days of the date of court-confirmation of the sale. New applications are required in the event of change in ownership, including, but not limited to, conveyances between an individual and a business entity, and conveyances between business entities.
- f. Satisfaction of Land Contracts. Upon satisfaction of a land contract recorded hereunder, the land-contract seller shall file a seller notification hereunder, and the land-contract buyer who has acquired the fee interest in the building or condominium unit shall file a new application.

4. EXCEPTIONS. The following are exempt from having to file applications for recording required under this section:

- a. Owners of owner-occupied one and 2-family buildings where the ownership is recorded with the Milwaukee county register of deeds.
- b. Owners of owner-occupied residential-condominium units where the ownership is recorded with the Milwaukee county register of deeds.
- c. Owners of jails, convents, monasteries, parish rectories, parsonages and similar facilities where the ownership is recorded with the Milwaukee county register of deeds.
- d. Owners of hospitals and residential facilities licensed by the city of Milwaukee or

the state of Wisconsin where the ownership is recorded with the Milwaukee county register of deeds.

- e. Government-owned buildings where the ownership is recorded with the Milwaukee county register of deeds.
- f. Owners of newly-constructed residential and commercial buildings where the ownership is recorded with the Milwaukee county register of deeds until actual occupancy of any such building or any unit in any such building commences.
- g. Owners of residential and commercial buildings and owners of condominium units, owned for less than 15 days prior to sale or other transfer of the buildings or units to new owners. However, anyone acquiring from such owner shall file an application unless otherwise exempt under this subsection.
- h. Condominium associations responsible for 2-unit residential buildings.

5. APPLICATION.

a. Signing.

a-1. Completed applications shall be signed by at least one of the owners, or, in the case of a condominium association, by the association's current condominium-resident agent, and in any case involving a local operator, also by the local operator.

a-2. Signatures on the application shall be notarized under penalty of s. 946.32, Wis. Stats.

a-3. In the case of an application involving a land contract, at least one land-contract seller and one land-contract buyer shall sign and file the same application for the subject property and provide the respective names, addresses and telephone numbers of both parties on the same application form.

b. Required Contents. Application forms shall be provided by the department and shall at least contain the following:

b-1. The tax-key number of the parcel containing the residential or commercial building or condominium unit.

b-2. The legal name and date of birth of the property owner or in the case of an application filed by a condominium association, the legal name and date of birth of the condominium-resident agent.

b-3. A business or personal physical address and a business or personal telephone number of the owner, or in the case of a condominium association, of the condominium-resident agent, where that person can be contacted readily by the department.

b-4. An entity-owner shall provide the name and address of its registered agent on file with the Wisconsin department of financial institutions, the name and address of its registered agent on file in the state or jurisdiction of entity origin, and also a natural person's name, physical address and telephone number for department contact.

b-5. The legal name, physical address within the 7-county area, date of birth, and telephone number of the local operator.

b-6. The number of residential dwelling units in residential buildings, or in the case of filings for condominium units or condominium associations, the number of units in the

condominium.

b-7. For an application filed by a condominium association, the name and address of the association, the type of entity that the association is, whether the association is self-managed or has hired or retained management, and the identity of any hired or retained management.

6. APPLICATION FEES; FEE EXCEPTIONS; CHANGES IN INFORMATION.

a. If any information listed on a previously filed application changes, within 15 days of the change in information a new application shall be filed with, and the requisite fee shall be paid to, the department. Any application filed later than that 15-day period shall result in doubling of the fee and subject the required filer to sanctions.

b. Except as provided in par. a, there shall be no fee for the filing of an amendment to an existing application where the change in information does not involve a change of ownership interest in the property; where the change in information is associated with a land-contract buyer paying off the land contract and becoming the fee-title holder or with the land-contract relationship otherwise being extinguished; or where the change in information results from the sale or transfer of ownership between husband, wife, father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson or granddaughter.

c. There shall be no fee for the filing of an application, but an application is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a grantee with a life estate, or an estate for years, or where the grantor has made a conveyance but reserved a life estate, or an estate for years, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one of the grantors or one of the grantees is domiciled in the building or unit after the conveyance.

d. There shall be no fee for the filing of an application, but an application is required, for a one or 2-family residential building or a residential condominium unit where that building or unit has been conveyed to a trust, where the conveyance is recorded with the Milwaukee county register of deeds, and where at least one trust settler or one trust beneficiary is domiciled in the building or unit after the conveyance.

e. The commissioner may refund fees paid in error to the department.

f. See s. 200-33-44.2 and 44.3 for fees associated with this section.

7. SELLER NOTIFICATION FORMS.

a. The department shall provide seller notification forms.

b. An owner who conveys any ownership interest in any building or condominium unit required to be recorded under this section shall file a seller notification form with the department within 15 days of the conveyance, providing the name and address of the buyer and date of conveyance. There shall be no fee for the filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying owner was also required, but failed to, file an

application under this section.

c. Upon satisfaction of a land contract recorded under this section, the land-contract seller shall file a seller notification form with the department within 15 days after the satisfaction, providing the name and address of the land-contract buyer and date of conveyance in satisfaction of the land contract. There shall be no fee for the timely filing of a seller notification form; providing, however, there shall be a charge of double the fee in s. 200-33-44.3 if the conveying land-contract seller was also required, but failed to, file an application under this section.

8. SERVICE OF ORDER.

a. Any order issued under this section shall identify the section of the code to which the order applies in accordance with s. 200-12-2-b.

b. Service of orders shall be in accordance with s. 200-12-3.

c. The order may also be posted on the premises.

d. The commissioner may issue an order to the owner, the condominium association, the condominium-resident agent, or the local operator, requiring the owner or condominium association to comply with this section.

9. ENFORCEMENT; SANCTIONS.

a. Enforcement Fee. If there is a failure to comply within the time set forth in any order issued under this section, or a failure to file an application as required under this section within the time set forth in this section, the commissioner may assess the owner or association a monthly recording enforcement fee under s. 200-33-44.3 until compliance is obtained. The fee may be assessed and collected as a special tax on the property or otherwise be collected as allowed by law.

b. Penalties. Any owner, former owner, or condominium association failing to comply with this section or providing false, misleading or fraudulent information on any application required under this section shall be subject to the penalties provided in s. 200-19. Any local operator or condominium-resident agent providing false, misleading or fraudulent information on any application required under this section shall also be subject to the penalties provided in s. 200-19.

10. APPEALS.

Appeals of orders and notices under this section shall be made pursuant to s. 200-17.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

7. [080345](#) An ordinance relating to installation and operation of category I, II, IIIA and IIIB equipment in dry cleaning establishments.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 76-20-8-p of the code is created to read:
- 76-20. Dry Cleaning Establishments with Category I, II, IIIA and IIIB Equipment.
8. INSTALLATION AND OPERATION.
- p. Category IIIA and category IIIB machines installed on or after March 1, 2008, are exempt from the requirements of pars. n and o, but must comply with the provisions of the 2006 International Fire Code, ch. 12. Category IIIA and category IIIB machines installed before March 1, 2008, which are already in compliance with the requirements of the International Fire Code, ch. 12, are exempt from the requirements of pars. n and o.
- A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:**
- Aye:** 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 1 - Wade
8. [080347](#) An ordinance relating to foundation repairs and damp-proofing repair standards.
- The Mayor and Common Council of the City of Milwaukee do ordain as follows:
- Part 1. Section 240-25-2-0 of the code is amended to read:
- 240-25. Foundation Repairs and Damp-Proofing.
2. ~~[[EXTERIOR]]~~ REPAIR STANDARDS.
- Part 2. Section 240-25-2-a to d of the code is renumbered 240-25-2-a.
- Part 3. Section 240-25-3 of the code is renumbered 240-25-2-b.
- Part 4. Section 240-25-2-c of the code is created to read:
- c. As an alternative to par. a or b, repairs shall be in accordance with the requirements of the best management standards for foundation repair, dated January 8, 2008, adopted by the building inspectors association of southeastern Wisconsin.
- A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:**

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

9. [080422](#) Ordinance relating to the First Amendment to Phase 3 of a Detailed Planned Development known as Kilbourn Square, on land located on the North Side of West Kilbourn Avenue and East of North 24th Street for a residential care complex for the elderly, in the 4th Aldermanic District.
- The Mayor and Common Council of the City of Milwaukee (“Common Council”), do ordain as follows:

Part 1. There is added to the Milwaukee Code of Ordinances (“Code”) a new section to read as follows:

Section 295-907(2)(c).0127.

(1) In accordance with the provisions of Section 295-907(2) of the Code relating to the procedures and establishment of planned development districts, the Common Council approves the subject amended Detailed Planned Development, a copy of which is attached to this Common Council File as Exhibit A which is on file in the office of the City Clerk and made a part as though fully set forth herein.

(2) The zoning map is amended to change the zoning for the area described as Parcel 2 of Certified Survey Map No. 6876.

(3) The requirements set forth in said detailed plan attached to this Common Council File as Exhibit A, constitute the zoning regulations for the area contained in such planned development district described, provided further, that the effect of the approval of such detailed plan is that such plan shall limit and control construction, location, use and operation of all land and structures included within the detailed plan to all conditions and limitations set forth in such detailed plan.

Part 2. Any persons, firm, company or corporation owning, controlling, or managing any building or premises wherein or whereon there shall be placed or there exists anything in violation of the terms of this ordinance; or who shall build contrary to the plans or specifications submitted to and approved by the Commissioner of the Department of City Development, or any person, firm, company or corporation who shall omit, neglect or refuse to do any act required in this ordinance shall be subject to the penalties provided in Section 200-19 of the Code.

Part 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions. The Common Council declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases or other portions be declared void or invalid.

A motion was made by ALD. WITKOWIAK that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

ADOPTION OF THE FOLLOWING:

10. [080394](#) Resolution authorizing a transfer of funds from the Capital Improvements-Advance Planning Fund to two subaccounts for planning analysis activities and other technical planning studies.
- Whereas, The Department of City Development continues work on comprehensive and area plans, including neighborhood residential and commercial analysis and development as well as land use policy development; and
- Whereas, Technical assistance in these planning activities beyond the scope of services contracted for the comprehensive area plans has often been provided by outside consultants; and
- Whereas, Funds are necessary to provide for such consultant services and related costs as the need arises; and
- Whereas, In the past, these funds have been used for the zoning code re-codification, additional graphics and renderings, as well as incidental costs, such as, computer software and additional bound copies and CD's of area plans; and
- Whereas, A portion of the Planning Studies-Economic Development Subaccount also includes funds for professional development for planning staff; and
- Whereas, The Department of City Development requests the transfer of \$44,000 from the Capital Improvements-Advance Planning Fund to two subaccounts, Planning Studies-Economic Development Subaccount and the Special Engineering and

Technical Studies Subaccount, for 2008 activities, including but not limited to, those mentioned above; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Comptroller is directed to transfer the amount of \$44,000 from the Capital Improvements-Advance Planning Fund, Account No. UR01280000, to be allocated to two existing subaccounts, Planning Studies-Economic Development, Account No. UR01280028, \$24,000, and Special Engineering and Technical Studies, Account No. UR01280041, \$20,000, to be used by the Department of City Development, as the need may arise, to support residential and commercial analyses and land use policy development; and, be it

Further Resolved, That the Department of City Development is directed to enter into such contracts and agreements as necessary to accomplish the intent and purpose of this resolution.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

11. [080444](#) Resolution authorizing the sale of a City-owned vacant lot at 1319 South 22nd Street to the Milwaukee Christian Center, Inc. for new home construction, in the 8th Aldermanic District.

Whereas, The Milwaukee Christian Center, Inc. ("MCC") operates the YouthBuild project that offers employment, education and job training for at-risk youth through the development of affordable housing in Milwaukee; and

Whereas, MCC has offered to purchase the City-owned vacant lot at 1319 South 22nd Street for \$1.00 to construct affordable housing to be sold to an owner-occupant as summarized in a Land Disposition Report, a copy of which is attached to this Common Council File; and

Whereas, Section 304-49-7 of the Milwaukee Code of Ordinances allows the City to accept unsolicited offers to buy property when the City receives fair compensation, whether monetary or non-monetary; and

Whereas, The Department of City Development ("DCD") has reviewed the offer and the development proposal and has determined that the proposed price and redevelopment represents fair compensation to the City considering the investment in

the neighborhood and contribution to the tax base; and

Whereas, DCD recommends sale of this lot with closing contingent on DCD approval of final site and building plans and evidence of firm financing; and

Whereas, The lot will be sold in “as is” condition without representations or warranties including but not limited to soil quality and subsurface conditions; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of DCD, or designee, is authorized to accept the offer to purchase submitted by MCC for the lot listed herein; and, be it

Further Resolved, That the Commissioner of DCD or designee is authorized to execute a deed, release any deed restrictions that inhibit development and execute other legal documents on behalf of the City and to close the transaction according to the terms of the Land Disposition Report; and, be it

Further Resolved, That the sale proceeds shall be credited to the Reserve For Tax Deficit Fund Account No. 0001-334106.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

12. [080453](#) Substitute resolution granting the request by Mercy Housing Lakefront for an extension of its housing trust fund award deadline until August 1, 2009.
- Whereas, The Milwaukee Housing Trust Fund Advisory Board approved the granting of the housing trust fund award deadline until summer 2009 for Mercy Housing Lakefront; and
- Whereas, Mercy Housing Lakefront is extremely likely to obtain Wisconsin Housing and Economic Development Authority (WHEDA) tax credit in the spring of 2009 for Johnson Center Residences located at 1230 W. Grant St.; and
- Whereas, This housing project, which offers wrap-around services, is extremely beneficial to the community; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that Mercy Housing Lakefront’s request for an extension of its housing trust fund award deadline until

August 1, 2009 is granted.

A motion was made by ALD. WITKOWIAK that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 14 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowiak, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 1 - Wade

THE COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDS:

ADOPTION OF THE FOLLOWING:

1. [080165](#) Substitute resolution authorizing the City of Milwaukee to enter into an agreement with Milwaukee's Local Initiatives Support Corporation for continued administration of the Main Street Milwaukee Program.

Whereas, The Department of City Development ("DCD") and Milwaukee's Local Initiatives Support Corporation ("LISC") have previously entered into an Agreement, as authorized by Common Council File No. 031155, to create the Main Street Milwaukee Program; and

Whereas, DCD and LISC have proven their success in partnering since 2005 in providing resources and services to Milwaukee's designated Main Street commercial districts throughout the City of Milwaukee ("City"), and both entities seek to enter into a new Main Street Milwaukee Program Agreement, a copy of which is attached to this Common Council File, which essentially describes in detail each parties' responsibilities in the administration of the Main Street Milwaukee Program for 2007 and beyond; and

Whereas, The National Trust for Historic Preservation created in 1980, the Main Street 4-point approach to commercial district revitalization that has proven successful across the country in over 1,700 communities; and

Whereas, Milwaukee's LISC has a proven track record in attracting private sector resources and managing them to provide technical assistance and capacity building to Milwaukee's nonprofit community and has already secured multi-year commitments in federal and private sector funds for the Main Street Milwaukee Program and is committed to raising additional necessary funds for the continued administration of the Program; and

Whereas, DCD and LISC have significantly leveraged the City's CDBG/HOME funds with private sector money for the administration of the Main Street Milwaukee Program, and thus will be held accountable by both the public and private sector and the governing body of the Main Street Milwaukee Program; and

Whereas, DCD has been successful in managing the distribution of CDBG funds and in the administration of programs such as the Retail Investment Fund, Brownfields and the Facade Grant Program and is uniquely positioned within the City to continue to administer the Main Street Milwaukee Program; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that DCD is directed to continue to carry out this initiative on behalf of the City and that the proper City

officials are directed to execute a Main Street Milwaukee Program Agreement in substantially the form as submitted; and, be it

Further Resolved, That the City contemplates providing financial support to the Main Street Milwaukee Program, a multi-year program giving district designation for 3 years, and will demonstrate this support by providing adequate funding from CDBG funds and/or general funds, contingent upon funding availability and an adequate level of private sector support, with funds raised annually by LISC anticipated to constitute approximately a dollar-to-dollar match to funds to be provided by the City through appropriation and allocation of City CDBG funds and other City funds, with a further provision that annually, not later than October 1, LISC shall provide the City with a summary of LISC funds raised for the next calendar year; and, be it

Further Resolved, That the Commissioner of DCD is directed to continue to administer the Main Street Milwaukee Program and to enter into any and all contracts necessary to carry out the Main Street Milwaukee Program activities on behalf of the City.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

2. [080406](#) Resolution relative to application, acceptance and funding of a Regional Library for the Blind and Physically Handicapped Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Public Instruction to serve the blind and physically handicapped of the state by providing reading material on cassette tapes, braille books and digital talking books; and

Whereas, The operation of this grant from 07/01/08 to 06/30/09 would cost \$918,300 of which \$918,300 (100%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin is authorized and the Milwaukee Public Library shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue--Grant and Aid Projects Fund, the following amounts for the project titled Regional Library for the Blind and Physically Handicapped:

Proj/Grant	Fund	Org	Program	BuYr
GR0000800000	0150	9990	0001	0000

Subclass	Acct	Project	Amount
R999	000600	Grantor Share	\$918,300

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project Level values; budget to these Project/Grant values the amount required under the grant agreement;

3. Establish the necessary City Share Project values; and, be it

Further Resolved, That these funds are budgeted for Milwaukee Public Library which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2008 grant budget funds for specific items of equipment;
3. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff.
4. Enter into subcontracts and leases as detailed in the grant budget.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

3. [080408](#) Resolution relative to the establishment of the Year 2009 Funding Allocation Plan.

Ald. Murphy moved to amend the Attachment titled "2009 Proposed Funding Allocation Plan", Revised on July 21, 2008 by:

1. Reducing the proposed entitlement allocation for Public Service-General-Employment Services by \$100,000 from \$425,000 to \$325,000.

(Page 9)

2. Increasing the proposed entitlement allocation for CITY CDBG allocation by \$100,000 from \$8,828,400 to \$8,928,400. (Page 12)

AMENDED

Aye: 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Wade, Donovan Witkowiak

Ald. Hamilton moved to amend the "Revised 2009 Proposed Funding Allocation Plan" attached to this file by:

1. Reducing the proposed entitlement allocation for Housing-Minor Home Repair Program by \$30,000 from \$230,000 to \$200,000. (Page 11)

2. Increasing the proposed entitlement allocation for Housing - Homesource Building Material Program by \$30,000 from \$0 to \$30,000. (Page 11)

A motion was made by ALD. HAMILTON that this Resolution be AMENDED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Wade, Donovan Witkowiak

Identified as Amendment #5.

A motion was made by ALD. DAVIS that this Resolution be AMENDED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

Whereas, The Community and Economic Development Committee recommends approval of the Funding Allocation Plan of activities and funding recommendation for funding year 2009 as attached; and

Whereas, The City of Milwaukee appears to be eligible for community development entitlement funding for year 2009 estimated at \$23,519,358 (CDBG funds \$16,000,000; HOME funds, \$6,200,000; ESG funds, \$761,931; HOPWA funds \$515,000; and ADDI funds \$42,427); now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the 2009 Funding Allocation Plan is approved as attached; and, be it

Further Resolved, That the authorization for the funding listed in the resolution is subject to the availability of the Year 2009 community development funding and the release of funds for this purpose by HUD; and, be it

Further Resolved, That the Community Development Grants Administration is authorized to prepare and submit the Annual Action Plan for community development funding to the United States Department of Housing and Urban Development (HUD) in accordance with the City's Strategic Plan.

As amended.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

4. [080443](#) Substitute resolution approving the 2008 Revised Operating Plan and Budget for Business Improvement District No. 39 (Center Street Market Place), in the 7th, 10th and 15th Aldermanic Districts.

Whereas, The Common Council of the City of Milwaukee ("Common Council") created Business Improvement District No. 39 ("BID No. 39") via File No. 050706 on October 18, 2005, as authorized by Section 66.1109, Wisconsin Statutes, to provide a financing mechanism to allow the Center Street Market Place business district to become self-sustaining; and

Whereas, BID No. 39 is a vital and integral part of the City of Milwaukee; and

Whereas, The 2008 Operating Plan for BID No. 39 was adopted by the Common Council via File No. 070799 on October 23, 2007; and

Whereas, The Board of BID No. 39 has now submitted for adoption a 2008 Revised Operating Plan and Budget, a copy of which is attached to this Common Council File, which authorizes special assessments totaling \$146,899 on taxable properties in the BID; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the 2008 Revised Operating Plan for Business Improvement District No. 39 (Center Street Market Place) and associated Budget are adopted; and, be it

Further Resolved, That the City Treasurer, City Comptroller and other affected departments are directed to collect and disburse BID No. 39 assessments in accordance with the 2008 Revised Operating Plan and Budget; and, be it

Further Resolved, That all City officials, departments, boards and commissions are directed to take all actions and provide such assistance as needed to carry out the intent and purpose of this resolution and the adopted 2008 Revised Operating Plan and Budget for BID No. 39.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

5. [080445](#) Substitute resolution authorizing the transfer and expenditure of \$75,500 from the Neighborhood Commercial District Street Improvement Fund for the Atkinson/Capitol/Teutonia Commercial District Street Enhancement Project. Whereas, The 2007 Capital Budget for the City contains \$75,500 in the Neighborhood Commercial District Street Improvement Fund; and
- Whereas, The City of Milwaukee (“City”) has an ongoing commitment to the revitalization of neighborhood commercial districts; and
- Whereas, On November 6, 2002, the Common Council of the City of Milwaukee created Business Improvement District No. 29 (“BID No. 29”) for the Atkinson/Capitol/Teutonia Commercial District via File No. 020831 and approved its first Operating Plan; and
- Whereas, BID No. 29 has worked collaboratively with area business owners to market and promote the commercial district; and
- Whereas, The proposed public way improvements will include extensive landscaping, commercial district signage, specialty paving and other commercial district identification enhancements that will greatly enhance the Atkinson/Capitol/Teutonia Commercial District; and
- Whereas, The State of Wisconsin Department of Transportation (“WISDOT”) has identified project funds, which exceed the amount of City funds for this project; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are directed to transfer \$75,500 from the Neighborhood Commercial District Street Improvement Fund Account No. ST04084500 to the appropriate borrowing and expenditure accounts; and, be it

Further Resolved, That the City Comptroller, in conjunction with the Commissioner of the Department of City Development, is directed to establish any and all subaccounts and follow the City guidelines necessary to maintain the fiscal control to carry out the intent and purpose of this resolution; and, be it

Further Resolved, That all City officials, departments, boards and commissions are directed to assist and cooperate with said project.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

6. [080447](#) Substitute resolution relating to the reallocation of funds from the West End Development Corporation to other community-based organizations.

Ald. Davis offered a proposed substitute A.

A motion was made by ALD. DAVIS that this Resolution be SUBSTITUTED. This motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

[080447](#) Substitute resolution relating to the reallocation of funds from the West End Development Corporation to other community-based organizations.

Whereas, West End Development Corp. has notified the Community Development Grants Administration (CDGA) in the attached letter of their plan to dissolve the organization; and

Whereas, CDGA has contacted other community-based organization to assume the responsibilities of the West End Dev. Corp. activities and the remaining 2008 CDBG and HOME funding balances; and

Whereas, The remaining balance as of 7/31/08 of CDBG and HOME funds from the West End Development Corp. will be transferred to other organizations. The

following outlines the 2008 transfer:

Activity	Transfer Organization
Mainstreet	Avenues West Association, Inc.
Minor Home Repair	Merrill Park Neighborhood, Assoc.
Neigh Improve Prog (NIP)	YMCA-Comm. Dev Corp.
CHDO: Acq/Rehab/Sell	Harambee Ombudsman Proj. Inc.
CHDO: Operating Costs	Harambee Ombudsman Proj. Inc.
Large Impact Dev. Project	Milwaukee Econ Dev. Corp (MEDC)

;and

Whereas, CDGA has attached letters of acceptance from each organization listed above; now therefore, be it

Resolved, That the Common Council of the City of Milwaukee hereby approves the transfer of activities and the remaining balance of 2008 CDBG and HOME funds as of 7/31/08 to other community-based organization stated above; and, be it

Further Resolved, That each organization shall submit budgets and activity reports for the amounts listed above and according to any conditions approved by the Common Council and in accordance with File Number 74-92-5v, to the Community Development Grants Administration and the City Comptroller for review and approval; and, be it

Further Resolved, That payments for CDBG and HOME costs incurred, shall be paid in accordance with approved CDBG and HOME reimbursement policy based on the approval by the Community Development Grants Administration and the City Comptroller; and, be it

Further Resolved, That except as modified by this resolution, the guidelines for handling the Community Development Block Grant Program set forth in Common Council File Number 74-92-5v are fully applicable to the 2008 Community Development Entitlement Funding Program.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski Hines Jr.

No: 0

Excused: 3 - Wade, Witkowiak Zielinski

7. [080460](#) Resolution relative to the application, acceptance and funding of an Interlibrary Services Grant.

Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Public Instruction and MCFLS for the loan of library materials to and from other libraries in the State of Wisconsin in answer to specific requests; and

Whereas, The operation of this grant from 07/01/08 to 06/30/09 would cost \$92,650 of which \$92,650 (100%) would be provided by the grantor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that application to the State of Wisconsin is authorized and the Milwaukee Public Library shall accept this grant without further approval unless the terms of the grant change as indicated in Section 304-81, Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2008 Special Revenue--Grant and Aid Projects Fund, the following amounts for the project titled Interlibrary Services Grant:

Proj/Grant	Fund	Org	Program	BuYr
GR0000800000	0150	9990	0001	0000

Subclass	Acct	Project	Amount
R999	000600	Grantor Share	\$92,650

2. Create the necessary Special Revenue Fund - Grant and Aid Project/Grant and Project Level values; budget to these Project/Grant values the amount required under the grant agreement;
3. Establish the necessary City Share Project values; and, be it

Further Resolved, That these funds are budgeted for Milwaukee Public Library which is authorized to:

1. Expend from the amount budgeted for specified purposes as indicated in the grant budget and incur costs consistent with the award date;
2. Expend from the 2008 grant budget funds for specific items of equipment;
3. Expend from the 2008 grant budget funds for training and out-of-town travel by departmental staff.

A motion was made by ALD. DAVIS that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

CONFIRMATION OF THE FOLLOWING:

8. [080351](#) Appointment of Joe Rupkey to the Main Street Milwaukee Partners Board by the Local Initiatives Support Corporation.

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

9. [080469](#) Reappointment of Patrick Fitzgibbons to the Business Improvement District Board #26 (Menomonee Valley) by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

10. [080470](#) Reappointment of Larry Stern to the Business Improvement District Board #26 (Menomonee Valley) by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

11. [080471](#) Reappointment of Samer Abulughod to the Business Improvement District Board #40 (Airport Gateway) by the Mayor. (13th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

12. [080472](#) Appointment of Jaime Maliszewski to the Business Improvement District Board #40 (Airport Gateway) by the Mayor. (13th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

13. [080474](#) Appointment of Denise Garczynski to the Business Improvement District Board No. 5 (Westtown) by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

14. [080477](#) Appointment of Robert Monnat to the Business Improvement District Board No. 2 (Historic Third Ward) by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

15. [080478](#) Appointment of Eric Dillner to the Business Improvement District Board No. 2 (Historic Third Ward) by the Mayor. (4th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

16. [080479](#) Appointment of Joann Harris to the Business Improvement District Board No. 32 (Fond du Lac-North Avenue Market Place) by the Mayor. (6th Aldermanic District)

A motion was made by ALD. DAVIS that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

PLACING ON FILE THE FOLLOWING:

17. [080346](#) Communication from the Comptroller relative to an Annual Review of Lending Practices of Financial Institutions.

A motion was made by ALD. DAVIS that this Communication be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 13 - Hamilton, Davis, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 2 - Wade Witkowiak

THE PUBLIC WORKS COMMITTEE RECOMMENDS:

PASSAGE OF THE FOLLOWING:

1. [080429](#) A substitute ordinance relating to updating provisions of the city code regulating cable television and video service providers.
The Mayor and Common Council of the City of Milwaukee do ordain as follows:
 - Part 1. Section 81-16 of the code is repealed.
 - Part 2. Chapter 96 of the code is repealed.
 - Part 3. Section 98-1-3 of the code is repealed and recreated to read:
 - 98-1. Definitions.
 3. CABLE SERVICE has the meaning given in 47 USC 522 (5).
 - Part 4. Section 98-1-8 of the code is amended to read:
 8. FRANCHISE or LICENSE means an initial authorization or renewal thereof, issued by the [[city]] >>state<<, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a [[cable system or an open]] video >>services<< system.
 - Part 5. Section 98-1-21 and 22 of the code is created to read:
 21. VIDEO SERVICE has meaning given in s. 66.0402(2)(y), Wis. Stats.
 22. VIDEO SERVICE PROVIDER has the meaning given in s. 66.0402(2)(zg), Wis. Stats.
 - Part 6. Section 98-3 of the code is amended to read:
 - 98-3. Applicability. This chapter applies to all transmission facilities used by any person who provides cable services >>, video services<< or telecommunications services, including but not limited to alternative telecommunications utilities; public utilities; telecommunications utilities; telecommunications carriers and telecommunications providers; public service corporations; cable television telecommunications service providers; cable television service providers; >>video service providers;<< and [[,]] open video system service providers.
 - Part 7. Section 98-9-6 of the code is amended to read:

98-9. Registration Information.

6. Evidence of authorization from the federal communications commission or the Wisconsin public service commission to operate a telecommunication service, or evidence of authorization from the [[city of Milwaukee]] >>state of Wisconsin<< to operate a cable service >>, video service<< or an open video system.

Part 8. Section 98-13-1-0 of the code is amended to read:

98-13. Conduit System Occupancy Fees.

1. CLASS ONE: The minimum fee for conduit system occupancy for transmission facilities used for the delivery of cable services >>or video services<<, pursuant to a franchise or license agreement and subject to payment of a franchise or license fee, shall be:

Part 9. Section 98-15-1 of the code is amended to read:

98-15. Grant of Right; Payment of Occupancy Fee.

1. Any person required to register under s. 98-7, who furnishes telecommunications >>, video services<< or cable services or who occupies or uses the city's conduit system is granted a right to do if and only so long as authorized to do so by the city, and the person pays the occupancy fee as provided in s. 98-11 and complies with all other requirements of law, including the execution of a written agreement and receipt of a registration certificate and permit to occupy the conduit system.

Part 10. Chapter 99-0 of the code is amended to read:

CHAPTER 99

[[CABLE]]>>VIDEO SERVICES<< SYSTEMS

Part 11. Sections 99-1 to 99-10 of the code are repealed.

Part 12. Section 99-11-2-a of the code is amended to read:

99-11. PEG Access Managers; Public and Educational Access Channels.

2. FUNCTIONS.

a. Responsibility for administration of program production for and management of the public and educational access channels [[and all other channels as designated in the franchise agreement]].

Part 13. Section 99-11-2-d of the code is repealed and recreated to read:

d. Assure that no censorship or control over program content of the channels exist,

except as necessary to comply with legal, statutory and regulatory prohibitions on transmission of material that is obscene or conducts a lottery.

Part 14. Section 99-11-3-e of the code is amended to read:

3. ACCESS RULES.

e. Use of reasonable amounts of channel time, [[cable casting]] facilities and technical support in accordance with an agreement between the access manager and the city.

Part 15. Sections 99-12 to 99-17 of the code are repealed.

A motion was made by ALD. BAUMAN that this Ordinance be PASSED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

ADOPTION OF THE FOLLOWING:

2. Various resolutions relating to special privileges:

a. [071656](#) Substitute resolution amending a special privilege for change of ownership to HPM Enterprises Inc for a fence, excess gate swing, access card reader and bollards in the public right-of-way for the premises at 2620 West Silver Spring Drive, in the 1st Aldermanic District.

Whereas, Henri's Food Products Company Inc requested permission to construct and maintain a fence, concrete bollards and access card reader in the public right-of-way; and

Whereas, Permission for said items was granted in 1996 under Common Council File Number 951718; and

Whereas, HPM Enterprises Inc now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 951718 is hereby rescinded; and, be it

Further Resolved, That HPM Enterprises Inc, 411 East Wisconsin Avenue, Suite 2040, Milwaukee, Wisconsin 53202, is hereby granted the following special

privileges:

1. To keep and maintain a 6-foot tall chain link fence encroaching 1-foot into the east sidewalk area of North 27th Street and the north sidewalk area of West Silver Spring Drive. In North 27th Street, said fence commences at a point 18 feet north of the northline of West Silver Spring Drive and extends north 100 feet. In West Silver Spring Drive, said fence commences at a point approximately 23 feet east of the eastline of North 27th Street and extends 140 feet east.
2. To use and maintain an excess gate swing that projects into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said 4-foot wide gate is centered approximately 24 feet east of the eastline of North 27th Street and, when fully open, projects 3 feet into the north-south 20-foot wide alley abutting the property.
3. To keep and maintain a 5-inch by 9-inch access card reader in the east sidewalk area of North 27th Street. Said box is centered approximately 10 feet west of the eastline of North 27th Street and 2 feet south of the southline of the abutting north-south public alley. Said box is mounted on a pole to a height of 4 feet and is connected to a rolling gate via underground conduit located under the sidewalk.
4. To keep and maintain five concrete bollards in the public right-of-way, two in the west sidewalk area of North 27th Street and three in the east sidewalk area of North 27th Street. The two bollards located in the west side of North 27th Street are centered approximately 21 and 22 feet east of the westline of North 27th Street and 95 and 96 feet north of the northline of West Silver Spring Drive, respectively. The three bollards in the east side of North 27th Street are centered approximately 1, 9, and 13 feet west of the eastline of North 27th Street and 2 feet south of the southline of the abutting north-south public alley. It should be noted that the bollards do not interfere with the paved public sidewalk on either side of North 27th Street.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, HPM Enterprises Inc, shall:

Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$3,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$103.16. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

b. [071660](#) Substitute resolution amending a special privilege for change of ownership to Towne

Realty, Inc. for building projections, an overhead cable and an electrical box in the public right-of-way for the premises at 324 East Wisconsin Avenue, in the 4th Aldermanic District.

Whereas, Wells Building Company requested permission to construct and maintain building projections in the public right-of-way; and

Whereas, Permission for said building projections was granted in 1962 under Common Council Resolution File Number 58-810; and

Whereas, Towne Realty, Inc. requested permission to install and maintain an electrical box in the public right-of-way; and

Whereas, Permission for said electrical box was granted in 1995 under Common Council Resolution File Number 951133; and

Whereas, For efficient special privilege management the electrical box is included in this special privilege resolution; and

Whereas, Prostaff Personnel Services Corporation requested permission to install and maintain an aerial cable in the public right-of-way; and

Whereas, Permission for said aerial cable was granted in 1998 under Common Council Resolution File Number 971973; and

Whereas, Towne Realty, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 58-810, 951133 and 971973 are hereby rescinded; and, be it

Further Resolved, That Towne Realty, Inc., 710 North Plankinton Avenue, Suite 1400, Milwaukee, WI 53203, is hereby granted the following special privileges:

1. To keep and maintain a building projection encroaching 1 foot into the north 20-foot sidewalk area of East Wisconsin Avenue. Said projection commences at a point approximately 129 feet 4 inches west of the westline of North Milwaukee Street and extends west for 6 feet.

2. To keep and maintain three building projections encroaching 2 feet into the north 20-foot sidewalk area of East Wisconsin Avenue. Said building projections are a

total of 24 feet 1 inch long. The first projection commences at a point approximately 95 feet 4 inches west of the westline of North Milwaukee Street and extends west 11 feet 10 inches. The second projection commences at a point approximately 111 feet 2 inches west of the westline of North Milwaukee Street and extends west 10 feet. The third projection commences at a point approximately 135 feet 3 inches west of the westline of North Milwaukee Street and extends west 2 feet 4 inches.

3. To keep and maintain two building projections encroaching 2 feet into the west 16-foot 5-inch sidewalk area of North Milwaukee Street. Said projections are a total of 43 feet 1 inch long. The first projection commences at a point approximately 9 feet 6 inches north of the northline of East Wisconsin Avenue and extends north 9 feet. The second projection commences at a point approximately 66 feet 11 inches north of the northline of East Wisconsin Avenue and extends north 34 feet 1 inch.

4. To keep and maintain three pilasters projecting 1 foot 1 inch into the north 20-foot sidewalk area of East Wisconsin Avenue. Each pilaster is 10 inches wide. Said pilasters are centered approximately 41 feet 5 inches, 64 feet 6 inches and 89 feet 8 inches west of the westline of North Milwaukee Street and are located adjacent to the main building entrances on East Wisconsin Avenue.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Towne Realty, Inc. shall:

Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and

insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$1742.02. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

- c. [080006](#) Substitute resolution amending a special privilege for change of ownership to First Financial Office Investment, LLC for building encroachments and underground conduit in the public right-of-way for the premises at 200 East Wisconsin Avenue, in the 4th Aldermanic District.

Whereas, 700 North Water Street, LLC requested permission to keep and maintain building encroachments and to install and maintain underground conduit with electrical outlet boxes in the public right-of-way; and

Whereas, Permission for said items was granted in 2002 under Common Council Resolution File Number 011013; and

Whereas, First Financial Office Investment, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 011013 is hereby rescinded; and, be it

Further Resolved, That First Financial Office Investment, LLC, 700 North Water Street, Suite 400, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To keep and maintain a brick building facade projecting 1 foot 3 inches into the east 12-foot wide sidewalk area of North Water Street. Said facade commences, approximately, at the northline of East Wisconsin Avenue and extends 114 feet to the north. The facade is approximately 11 feet above the sidewalk grade.
2. To keep and maintain a brick building façade projecting 1 foot 3 inches into the north 20-foot wide sidewalk area of East Wisconsin Avenue. Said projection commences, approximately, at the eastline of North Water Street and extends 124 feet to the east. The façade is approximately 11 feet above the sidewalk grade.
3. To keep and maintain a brick building façade consisting of banding and 8 brick columns varying in size projecting approximately 1 foot 10 inches into the east 12-foot sidewalk area of North Water Street. Said façade commences, approximately, at the northline of East Wisconsin Avenue and extends 114 feet to the north. The facade is approximately 17 feet 6 inches above the sidewalk grade.
4. To keep and maintain a brick building façade consisting of banding and 8 brick columns varying in size projecting approximately 1 foot 10 inches into the north 20-foot sidewalk area in of East Wisconsin Avenue. Said projection commences, approximately, at the eastline of North Water Street and extends 124 feet to the east. The façade is approximately 17 feet 6 inches above the sidewalk grade.
5. To keep and maintain electrical cabling in conduit under the north, 20-foot wide sidewalk area of East Wisconsin Avenue. Said conduit enters the public way at a point approximately 99 feet east of the eastline of North Water Street; then extends south for a distance of 10 feet 6 inches to a street tree; and then extends east 21 feet to one tree and 74 feet west to the other 5 trees. The conduit is located approximately 2 feet beneath the surface of the sidewalk. The cabling is fed to locked outlet boxes for connection of light-strings that are located on the branches of the trees. The total length of electrical conduit is 165 feet 6 inches.
6. To keep and maintain six electrical outlets within the north 20-foot wide sidewalk

area of East Wisconsin Avenue. Each outlet is located approximately 10 feet 10 inches south of the northline of East Wisconsin Avenue and 25, 47, 67, 87, 109 and 130 feet east of the east line of North Water Street. Said outlets measure 3 inches wide, 5 inches long and 6 inches tall.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, First Financial Office Investment, LLC shall:

Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$3643.53. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

- d. [080114](#) Substitute resolution amending a special privilege for change of ownership to JBC 24 LLC and TAH 24 LLC of concrete steps and handrails encroaching into the public right-of-way for the premises at 1114 North Marshall Street, in the 4th Aldermanic District.

Whereas, M.B. Realty Company requested permission to keep and maintain concrete steps and handrails in the public right-of-way; and

Whereas, Permission for said concrete steps and handrails was granted in 1943 under Common Council Resolution File Number 39893; and

Whereas, JBC 24 LLC and TAH 24 LLC now own the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 39893 and 39893-a are hereby rescinded; and, be it

Further Resolved, That JBC 24 LLC and TAH 24 LLC, C/O Shoreline Company, 1007 North Cass Street, Milwaukee, WI 53202 are hereby granted the following special privilege:

To keep and maintain a set of concrete steps and handrails in the east 22-foot wide sidewalk area of North Marshall Street. Said concrete steps encroach into the public right-of-way 3 feet 2 inches and are 10 feet 1 inch wide. The concrete steps are centered approximately 141 feet south of the southline of East Juneau Avenue.

Said above-mentioned concrete steps and handrails shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said concrete steps and handrails shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantees, JBC 24 LLC and TAH 24 LLC shall:

Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$79.49. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

e. [080117](#) Substitute resolution amending a special privilege to P&H Mining Equipment, Inc. for addition of underground communications cabling in the public right-of-way for the premises at 4107 West Orchard Street, in the 8th Aldermanic District.

Whereas, P&H Mining Equipment, Inc. requested permission to keep and maintain a turnstile on a concrete step; an underground conduit; and overhead cables for communications purposes within the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 070251 in 2007; and

Whereas, The applicant is requesting permission to construct and maintain additional underground communications cabling in the public right-of-way; and

Whereas, Said communications cabling may only legally encroach into the public right-of-way by the granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 070251 is hereby rescinded; and, be it

Further Resolved, That P&H Mining Equipment, Inc., 4400 West National Avenue, Milwaukee, Wisconsin 53214 is hereby granted the following special privileges:

1. To construct and maintain underground communications cabling crossing the 60-foot right-of-way of West Orchard Street at a point approximately 122 feet west of South 42nd Street.

2. To keep and maintain a turnstile on a concrete platform in the south 15-foot wide sidewalk area of West Orchard Street. Said 6-foot 6-inch wide turnstile and concrete platform project 3 feet into the public right-of-way. Said items are centered

approximately 20 feet west of the westline of South 41st Street.

3. To keep and maintain a 3-inch diameter galvanized iron pipe containing communications cabling under the 60-foot wide right-of-way of West Orchard Street. Said conduit crosses West Orchard Street at a point approximately 125 feet west of the westline of South 42nd Street.

4. To keep and maintain two telephone and two coaxial cables over and across the 60-foot wide right-of-way of West Greenfield Avenue. Only the south 30 feet of West Greenfield Avenue is located within the City of Milwaukee; the north 30 feet is located within the Village of West Milwaukee. Said cables cross over West Greenfield Avenue at a point approximately 175 feet west of the westline of South 42nd Street at a minimum elevation of 18 feet.

Said above-mentioned items shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

And, be it;

Further Resolved, That this special privilege is granted only on condition that by accepting this special privilege the grantee, P&H Mining Equipment, Inc., shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$4,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$155.88.

The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

- f. [080118](#) Substitute resolution amending a special privilege for change of ownership to JGV LLC for an overhead door housing and bollards encroaching into the public right-of-way for the premises at 3811 North Port Washington Avenue, in the 6th Aldermanic District.

Whereas, Larson & Company Inc requested permission to install and maintain an overhead door housing and two bollards in the public right-of-way; and

Whereas, Permission for said items was granted in 1992 under Common Council File Number 920973; and

Whereas, JGV LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 920973 is hereby rescinded; and, be it

Further Resolved, That JGV LLC, 1324 North 8th Street, Milwaukee, Wisconsin 53205, is hereby granted the following special privileges:

1. To keep and maintain an overhead door housing with door guides projecting 2 feet into the west, 8-foot wide sidewalk area of North Port Washington Avenue. The total width of the door housing with guides is 25 feet 2 inches. The door housing, centered approximately 143 feet north of the northline of West Vienna Avenue, is a minimum of 14 feet above the adjacent sidewalk grade.
2. To keep and maintain two 5-foot tall bollards in the west, 8-foot wide sidewalk area of North Port Washington Avenue. Said bollards are centered approximately 131 and 156 feet north of the northline of West Vienna Avenue and 1 foot 7 inches east of the westline of North Port Washington Avenue.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, JGV LLC, shall:

Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$1,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$36.17. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

- g. [080120](#) Substitute resolution amending a special privilege for change of ownership to Jonas Builders, Inc. Restated Pension Plan for encroachment into the public right-of-way of a guard house, an overhead electric line and a tunnel for the premises at 2748 North 32nd Street, in the 15th Aldermanic District.

Whereas, Briggs and Stratton Corporation requested permission to keep and maintain a guard house projecting into the public right-of-way; and

Whereas, Permission for said guard house was granted in 1955 under Common Council File Number 73517-a; and

Whereas, Briggs and Stratton Corporation requested permission to construct and maintain a tunnel in the public right-of-way; and

Whereas, Permission for said tunnel was granted in 1950 under Common Council Resolution File Number 50-1074; and

Whereas, Briggs and Stratton Corporation requested permission to construct and maintain an overhead electric power transmission line in the public right-of-way; and

Whereas, Permission for said overhead electric power transmission line was granted in 1953 under Common Council Resolution File Number 53-704; and

Whereas, For the liability for previously permitted items to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 73517, 73517-a, 50-1074 and 53-704 are hereby rescinded; and, be it

Further Resolved, That Jonas Builders, Inc. Restated Pension Plan, 3939 West McKinley Avenue, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain a section of a guard house projecting 3 feet into the east, 11-foot wide sidewalk area of North 32nd Street. Said guard house commences approximately 366 feet north of the northline of West Center Street and extends 17 feet 6 inches to the north.
2. To keep and maintain a tunnel under and crossing the 60-foot wide right-of-way of North 32nd Street at a point approximately 118 feet north of the northline of West Center Street. Said tunnel is 5 feet wide and 7 feet 6 inches tall.
3. To keep and maintain an overhead electric power transmission line crossing the 60-foot right-of-way of North 32nd Street. Said power line is located at a point approximately 143 feet north of the northline of West Center Street at an approximate elevation of 30 feet above the adjacent grade.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by

acceptance of this special privilege, the grantee, Jonas Builders, Inc. Restated Pension Plan, shall:

Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$10,000.00 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.

Pay to the City Treasurer an annual fee, which has an initial amount of \$76.66. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.

Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st of each year.

Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

3. [031327](#) Substitute resolution to vacate an alley between West Sheridan Avenue and North 99th Street in the block bounded by West Sheridan Avenue, West Appleton Avenue, West Potomac Avenue, North 99th Street and West Silver Spring Drive, in the 5th Aldermanic District.

Whereas, It is proposed that an alley between West Sheridan Avenue and North 99th Street in the block bounded by West Sheridan Avenue, West Appleton Avenue, West Potomac Avenue, North 99th Street and West Silver Spring Drive be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said alley as indicated by Exhibit A and bound and described by:

All of the southeast-northwest and east-west 20-foot wide alley, as platted, in Block 11 of Prospect Heights Annex, a recorded subdivision, in the Northeast 1/4 of Section 32, Township 8 North, Range 21 East, lying between the northerly line of West Sheridan Avenue extended and the east line of North 99th Street extended is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any

underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said alley had not been vacated.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

4. [050096](#) Substitute resolution directing the repainting of lane lines on West State and West Wells Streets between North 11th and North 27th Streets, and East State Street from North Prospect Avenue to North Van Buren Street.
- Whereas, The current lane and traffic marking arrangement on West State St. and West Wells Street between North 11th and North 27th Streets provides for an offset center line which has created a safety hazard for motorists and pedestrians, especially in winter driving conditions; and
- Whereas, The current traffic lane markings on East State Street between North Prospect Avenue and North Van Buren Street also have created confusion and safety hazards during winter driving conditions; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Department of Public Works is directed to repaint the lane lines on West State and West Wells Streets between North 11th and North 27th Streets, and East State Street between North Prospect Avenue and North Van Buren Street; and, be it
- Further Resolved, That the markings shall provide a center line with one travel lane and one parking lane in each direction with appropriate left turn lane markings at North 27th Street and North 17th Street and that the markings on East State Street between North Prospect Avenue and North Van Buren Street shall include one center line that provides one travel lane and one parking lane in each direction.
- A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:**
- Aye:** 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.
- No:** 0
- Excused:** 3 - Davis, Wade Witkowiak

5. [080210](#) Substitute resolution amending Common Council File Number 071450 to increase the

City match for a U.S. Department of Homeland Security FY 2007 IPP Port Security Grant by \$332.

Whereas, Common Council File Number 071450, adopted March 18, 2008, amended 2 previously-adopted Common Council resolutions relating to the acceptance and funding of U.S. Department of Homeland Security FY 2007 IPP Port Security Grants, particularly by changing the funding sources for the City matches for these grants; and

Whereas, File Number 071450 provided that the City match for the \$630,580 grant authorized by File Number 071028 was to come from the City's general "Out of Pocket City Share" capital account (\$159,046) and a Port of Milwaukee operating fund (\$50,848), for a total City match of \$209,894 (erroneously stated as \$210,194 in File 071450); and

Whereas, Since the date of adoption of File Number 071450, the Port of Milwaukee has been informed by the U.S. Department of Homeland Security that the authorized City match for this grant is \$332 less than the amount required; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the "Resolved" clause of Common Council File Number 071450, which rescinded and recreated the first "Further Resolved" clause of Common Council File Number 071028, is amended by increasing the City Share for Account No. PT180040100 006300-0481-4280-XXXX-R999-0000 from \$159,046 to \$159,378 and increasing the total City share from \$210,194 to \$210,226.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

6. [080221](#) Resolution approving a lease agreement with Cricket Communications for placement of personal communications services antennas at the Hawley Road Water Tower at 1235 North 57th Street.

Whereas, The Common Council adopted Resolution File Number 960170 on June 25, 1996, establishing a policy for the leasing of City facilities for the provision of wireless telecommunications services; and

Whereas, The Common Council further adopted Resolution File Number 991575 on February 18, 2000, amending said policy; and

Whereas, These resolutions designated the Department of Administration as the City's

sole negotiating agent for marketing City-owned sites to communications services vendors; and

Whereas, The Department of Administration has been working with the Water Works Division and the City Attorney's Office to negotiate a lease agreement with Cricket Communications for placement of personal communications services (PCS) antennas at 1235 North 57th Street; and

Whereas, The lease agreement offers a fair market value to the City, protects other city interests, and is acceptable to all City participants; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council approves a lease agreement with Cricket Communications for placement of PCS antennas at 1235 North 57th Street, a copy of which is attached to this file, and authorizes the proper City officials to enter into the lease agreement on behalf of the City of Milwaukee.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

7. [080241](#) Resolution granting easements to AT & T - Wisconsin on City of Milwaukee owned property at 5701 West McKinley Avenue, and authorizing the proper City officers to execute the easement document.

Whereas, The AT & T - Wisconsin Corporation provides video and telecommunication services to the City of Milwaukee owned property at 5701 West McKinley Avenue (Milwaukee Water Works Hawley Road Water Tower property); and

Whereas, Said services are provided by overhead, underground, and surface utility facilities located on said property; and

Whereas, The AT & T - Wisconsin Corporation requires a permanent easement, as shown on Exhibit "B" of the attached easement document, on said property to install, maintain, and replace said facilities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that an easement is granted to the AT & T - Wisconsin Corporation and the proper City Officers are hereby authorized to execute the easement document, a copy of which is attached to and part of this

resolution; and, be it

Further Resolved, That after said easement has been executed by the proper City Officers, it shall be forwarded to the Department of Public Works for transmittal to AT & T - Wisconsin for approval.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

8. [080243](#) Resolution approving a Fourth Amendment to the Access Management Contract between the City of Milwaukee and Milwaukee Access Telecommunication Authority, Inc.
- Whereas, The City, acting pursuant to Resolution File No. 991747, and MATA (the Contractor) entered into an April 20, 2000 Access Management Contract (the "Original Agreement"); and
- Whereas, The City, acting pursuant to Resolution File No. 000491, and the Contractor entered into an Amendment to the Original Agreement modifying certain approval and funding dates (the "First Amendment"); and
- Whereas, The City, acting pursuant to Resolution File No. 031356, and the Contractor entered into a Second Amendment to the Agreement granting funds to satisfy certain mortgage liens on Contractor's real property (the "Second Amendment"); and
- Whereas, The City, acting pursuant to Resolution File No. 070906, and the Contractor entered into a Third Amendment to the Agreement relating to Contractor's additional responsibilities resulting from the City's video services agreement with AT&T Wisconsin and providing additional funding to Contractor from funds to be received from AT&T Wisconsin (the "Third Amendment"; the Original Agreement as amended by the First, Second and Third Amendments is hereafter referred to as the "Agreement"); and
- Whereas, Under the terms of the Agreement, Contractor is to provide specified community and educational access services for the 17 year term of the Agreement; and
- Whereas, The Agreement designates Contractor as an Access Manager for purposes of Section 99-11, Milwaukee Code of Ordinances, and assigns control and management of certain public and educational access channels, facilities and resources to Contractor; and
- Whereas, The State of Wisconsin enacted 2007 Wisconsin Act 42, effective January 9, 2008, which provides for state franchises for video service providers; and

Whereas, Both Time Warner Cable of Wisconsin and AT&T Wisconsin have applied for and been granted state video service provider franchises, superseding their local agreements with the City of Milwaukee; and

Whereas, The City desires to have Contractor continue to control and manage the public and educational access channels established under the City's prior agreements with Time Warner Cable of Wisconsin and AT&T Wisconsin and which are required by 2007 Wisconsin Act 42 to continue to be provided and supported by state video service providers; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Fourth Amendment to the Access Management Contract between the City of Milwaukee and Milwaukee Access Telecommunication Authority, Inc. attached to this file is approved and that the City Clerk is directed to execute the Fourth Amendment on behalf of the City of Milwaukee.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

9. [080261](#) Substitute resolution to vacate the platted right-of-way of North 27th Street from West Greves Street to Interstate Highway 94, in the 8th Aldermanic District.

Whereas, It is proposed that the platted right-of-way of North 27th Street from West Greves Street to Interstate Highway 94 be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of North 27th Street in the Southeast 1/4 of Section 25, Township 7 North, Range 21 East, described as follows: Commencing at the point of intersection of the north line of West Greves Street and the west line of North 27th Street; thence

Northerly, along said west line, to its point of intersection with the present southerly line of Interstate Highway 94; thence Northeasterly, along the northeasterly extension of said present southerly line, to its point of intersection with the east line of North 27th Street, said point also being in the east line of said 1/4 Section; thence Southerly, along said east line, to its point of intersection with the north line of West Greves Street; thence Southwesterly to the point of commencement is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

10. [080262](#) Substitute resolution to vacate an 8-foot portion of right-of-way parallel to the existing curb alignment along South Alexander Street and West Nicholas Street between South 5th Street and South 6th Street, in the 12th Aldermanic District.

Whereas, It is proposed that 8 feet of right-of-way parallel to the existing curb alignment along South Alexander Street and West Nicholas Street between South 5th Street and South 6th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, The owner shall maintain and keep in good condition, the retaining wall abutting and supporting the adjacent City right-of-way, and also the owner will be held liable for any loss, damage, injury or liability to or on the City right-of-way from failure to properly construct, install and maintain the retaining wall; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as indicated by Exhibit A and bound and described by:

That part of South Alexander Street and West Nicholas Street in the Northeast 1/4 of Section 32, Township 7 North, Range 22 East, described as follows: Commencing at the southeast corner of Lot 6 in Block 13 of Walker's Point, a recorded subdivision, in said 1/4 Section; thence South 00°00'06" West, along the present west line of South 5th Street, 41.42 feet to its point of intersection with the present northerly line of West Nicholas Street and the point of beginning of the land to be described; thence South 58°56'50" West, along said present northerly line, 95.87 feet to a point of curve; thence Southwesterly and Northwesterly, 82.91 feet along the present northerly line of West Nicholas Street and the present northerly line of South Alexander Street and the arc of said curve which has a radius of 67.67 feet with its center lying to the north having a central angle of 70°12'10" and whose chord bears North 85°57'05" West 77.82 feet to a point of tangency; thence North 50°51'00" West, along said present northerly line, 65.54 feet to a point of curve; thence Northwesterly, 33.43 feet along said present northerly line and the arc of said curve which has a radius of 37.67 feet with its center lying to the northeast having a central angle of 50°51'06" and whose chord bears North 25°25'27" West 32.34 feet to a point of tangency; thence North 00°00'06" East 15.68 feet to a point in the south line of Lot 7 in Block 13 of said Walker's Point; thence North 89°46'24" West, along said south line, 5.53 feet to the present southwest corner of Lot 7; thence South 00°00'06" West, along the southerly extension of the present west line of Lot 7 aforesaid, 40.07 feet to a point; thence South 50°51'00" East 83.66 feet to a point of curve; thence Southeasterly and Northeasterly, 95.24 feet along the arc of said curve which has a radius of 76.17 feet with its center lying to the north having a central angle of 71°38'36" and whose chord bears South 86°40'18" East 89.16 feet to a point of tangency; thence North 57°30'24" East 90.24 feet to a point in the southerly extension of the west line of South 5th Street; thence North 00°00'06" East, along said southerly extension, 7.25 feet to the point of beginning is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said right-of-way had not been vacated.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

11. [080270](#) Resolution authorizing the execution of a Joint Overhead and Underground Gas and Electric Distribution Easement Agreement providing an easement to We Energies for facilities located on the Henry Maier Festival Grounds.
- Whereas, We Energies has undertaken an upgrade in electric service for the Henry Maier Festival Grounds pursuant to an Access Agreement dated as of December 27, 2006 and an amended Access Agreement dated as of February 13, 2007; and
- Whereas, We Energies now desires to secure a Joint Overhead and Underground Gas and Electric Distribution Easement Agreement over those portions of the Henry Maier Festival Grounds depicted on Exhibits C and D to the Easement Agreement on file with the Common Council for the construction operation and maintenance of certain electric facilities in the easement area depicted on Exhibit C and certain natural gas facilities in the easement area depicted on Exhibit D; and
- Whereas, The Henry Maier Festival Grounds are under the jurisdiction of the City's Board of Harbor Commissioners, which has approved the grant of the Joint Overhead and Underground Gas and Electric Distribution Easement Agreement; and
- Whereas, Milwaukee World Festival, Inc., as lessee of the Henry Maier Festival Grounds, has approved and is a party to the Joint Overhead and Underground Gas and Electric Distribution Easement Agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Joint Overhead and Underground Gas and Electric Distribution Easement Agreement, in the form on file with the Common Council, is hereby approved and the proper City officers are hereby authorized and directed to execute and deliver the Easement Agreement on behalf of the City of Milwaukee.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

12. [080304](#) Substitute resolution Approving Cooperation Agreement for Summerfest Access, in the 4th Aldermanic District.

Whereas, The City and Discovery World, Ltd. entered into an October 11, 2003, Development and Lease Agreement for the construction and operation of the Discovery World facility, (the "Discovery World Lease"); and

Whereas, The City and Milwaukee World Festivals, Inc. entered into a January 1, 2001, Lease Agreement for the operation, use and maintenance of the Summerfest Grounds (the "Festivals Lease"); and

Whereas, The City and State of Wisconsin Department of Natural Resources entered into a February 1, 2003, Cooperation and Development Agreement for the development of the Lake Shore State Park (the "Park Agreement"); and

Whereas, The parties hereto desire to enter into this Cooperation Agreement to facilitate the access to and operation of their various facilities located on the Discovery World Site, SummerFest Site, Lake Shore State Park Site and South Urban Park Site; and

Whereas, The Board of Harbor Commissioners has approved the Cooperation Agreement; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Cooperation Agreement for Summerfest Access attached to this file is hereby approved and the proper City officers are hereby authorized to execute said Agreement; and be it

Further Resolved, That the City Attorney may make minor nonsubstantive changes to the Agreement prior to its execution and that the Commissioner of Public Works is authorized to provide any City approvals required under the Agreement.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

13. [080307](#) Substitute resolution authorizing the Commissioner of Public Works to execute future maintenance agreements between the City and business improvement districts, street and neighborhood associations, developers in the form of condominium associations, community development associations, community enterprises, non-profit organizations and other governmental entities for landscaping and streetscaping projects to ensure their maintenance over time.
- Whereas, The City of Milwaukee has a long history of entering maintenance agreements with other entities to ensure the upkeep of streetscaping, landscaping, sidewalks, decorative paving and other improvements; and
- Whereas, A maintenance agreement defines the roles and responsibilities for the City of Milwaukee and other entities in the upkeep of streetscape elements and other improvements; and
- Whereas, The City of Milwaukee engages in maintenance agreements with business improvement districts, street and neighborhood associations, developers in the form of condominium associations, community development associations, community enterprises, non-profit organizations and other governmental entities to ensure that public improvements and streetscape projects are maintained into the future; and
- Whereas, The demand for maintenance agreements has significantly increased in recent years; and
- Whereas, The City of Milwaukee has several maintenance agreements currently pending and is expecting many more requests in the future; and
- Whereas, The Department of Public Works will consult with the local Common Council member where the specific improvements are planned; and
- Whereas, A sample maintenance agreement is attached; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is authorized to execute maintenance agreements on behalf of the City contingent upon:
1. Consulting with the local Common Council member for each specific maintenance agreement.

2. Approval of the City Attorney relative to the legality of the agreement.

;and; be it

Further Resolved, That the Commissioner of Public Works may make minor, non-substantive changes to the agreement prior to its execution.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

14. [080386](#) Substitute resolution determining it necessary to make various assessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$65,000 for a total estimated cost of these projects being \$3,006,000.

Resolved, By the Common Council of the City of Milwaukee that it is necessary and in the public interest to do the following described work according to City specifications, and that such public improvements and resulting special assessments be made pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances:

2nd Aldermanic District

Alley between W. Capitol Dr., W. Melvina St., N. 53rd St. and N. 54th St. (ST212090105). Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$5,000). The total estimated cost for this project including the requested amount is \$44,000. This project is anticipated to be completed during the 2009 construction season.

6th Aldermanic District

Alley between W. Brown St., N. Dr. Martin Luther King Jr. Dr., W. Lloyd St. and N. 2nd St. (ST212090104). Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$75,000. This project is anticipated to be completed during the 2009 construction season.

8th Aldermanic District

Alley between W. National Ave., W. Pierce St., S. 28th St. and S. 29th St. (ST212090103): Paving the alley with concrete. Doing all the necessary grading pertaining to said work. (Nonassessable Alley Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$115,000. This project is anticipated to be completed during the 2009 construction season.

9th Aldermanic District

N. Wausaukee Rd. (N. 124th St.); W. County Line Rd. to W. Mequon Rd. (Sponsored by the City of Mequon) (ST320051810) (2697-05-70) File Number 071572: Asphalt pavement reconstruction; pulverize existing roadway, reconstruct with asphalt pavement and gravel shoulders. (Grantor Non-Reimbursable Paving Fund-- \$25,000 Additional Funds; City Share Non-Assessable Paving Fund -- \$10,000 Additional Funds).

These funds are to be transferred to the construction account (ST320051810) (2697-05-70).

Previously authorized for construction: \$170,000

Current estimated cost of the total project including this resolution: \$2,772,000.00

Original estimated cost of the total project: Unknown-City of Mequon lead agent.

This project is anticipated to be completed during the 2008 construction season.

; and, be it

Further Resolved, That the abutting and adjacent properties be assessed a portion of the cost, said assessment to be recommended by the Commissioner of Public Works in his report; and, be it

Further Resolved, That all assessments and payments be made in accordance with Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That all City departments are authorized to do engineering, surveying, preparing of plans, and estimates of cost thereof, to be utilized in the preparation of said report of the Commissioner of Public Works; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

15. [080387](#) Substitute resolution determining it necessary to make various nonassessable public improvements at various locations and appropriating funds for these purposes with the City engineering cost estimated to be \$53,000 for a total estimated cost of these projects being \$825,000.

Resolved, By the Common Council of the City of Milwaukee, that it is necessary and in the public interest to do the following described improvements according to City specifications:

1st Aldermanic District

W. Reichert Pl. - N. 27th St. to 215 feet m/l West of N. 27th St. (SM495080054). Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$33,000. This project is anticipated to be completed during the 2009 construction season.

3rd Aldermanic District

E. Boylston St. - N. Warren Ave. to N. Cambridge Ave. (SM495070098). Relaying combined sewer. The total estimated cost for this project is \$53,000. This project is anticipated to be completed during the 2008 construction season.

N. Murray Ave. - E. Newberry Blvd. to E. Locust St. (SM495080055). Combined sewer lining. The total estimated cost for this project is \$100,000. This project is anticipated to be completed during the 2008 construction season.

8th Aldermanic District

S. Layton Bd. - A Point south of W. National Ave. to W. National Ave. (ST211090127) Median revision. (Nonassessable Reconstruction Paving Fund -- \$8,000). The total estimated cost for this project including the requested amount is \$30,000. This project is anticipated to be completed during the 2009 construction

season.

10th Aldermanic District

W. Townsend St. - N. 57th St. to N. 58th St. (SM495080051) Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$64,000. This project is anticipated to be completed during the 2009 construction season.

11th Aldermanic District

S. 31st St. - W. Morgan Ave. to 160 feet m/l South of W. Morgan Ave. (WT410091004) Relaying water main. (Nonassessable Water Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$50,000. This project is anticipated to be completed during the 2009 construction season.

S. 55th St. (West Half) - W. Norwich St. to W. Howard Ave. (Sponsored by the City of Greenfield) (ST211080138). Concrete pavement. The total estimated cost for this project including the requested amount is \$15,000. This project is anticipated to be completed during the 2008 construction season.

14th Aldermanic District

E. Gauer Cr. - S. Howell Ave. to S. Chase Ave. (SM495080053). Relaying sanitary sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$10,000). The total estimated cost for this project including the requested amount is \$220,000. This project is anticipated to be completed during the 2009 construction season.

City Wide

Sewer exams as requested. (SM495080009). The total estimated cost for this project is \$60,000. This project is anticipated to be completed during the 2008 construction season.

Storm water basin and drain replacement for 2008 Paving Projects (SM495080049). The total estimated cost for this project is \$200,000. This project is anticipated to be completed during the 2008 construction season.

;and, be it

Further Resolved, That all City Departments are authorized to perform engineering, surveys, plan preparation, and determine an estimated cost thereof; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

16. [080388](#) Substitute resolution approving construction of nonassessable public improvements at various locations and appropriating funds for these purposes with the City construction cost estimated to be \$3,152,000 for a total estimated cost of these projects being \$7,305,400.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions determining it necessary and in the public interest to construct nonassessable improvements; and

Whereas, Plans, specifications and cost estimates have been prepared for the following described improvements:

1st Aldermanic District

N. Teutonia Ave. over W. Silver Spring Dr. (Bridge and Approaches ST32002310/BR32000310) (2080-07-70) File Number 080124: Concrete deck and approach replacement. (Grantor Reimbursable Paving Fund -- \$30,000 Additional Funds; Grantor Reimbursable Structure Fund -- \$25,000 Additional Funds; City Share Non-Assessable Structure Fund -- \$50,000 Additional Funds).

These funds are to be transferred to the construction account (ST32000310) (2080-07-70).

Previously authorized for road construction: \$1,050,000.00.

Current estimated cost of the total project including this resolution: \$1,446,400.00.

Original estimated cost of the total project: \$439,000.00.

This project is anticipated to be completed during the 2008 construction season.

3rd Aldermanic District

E. Boylston St. - N. Warren Ave. to N. Cambridge Ave. (SM495070098) File Number 080387: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$53,000). The total estimated cost for this project including the requested amount is \$53,000. This project is anticipated to be completed during the 2008 construction season.

N. Murray Ave. - E. Newberry Blvd. to E. Locust St. (SM495080055) File Number 080387: Combined sewer lining. (Nonassessable Sewer Maintenance Relay Fund -- \$100,000). The total estimated cost for this project including the requested amount is \$100,000. This project is anticipated to be completed during the 2008 construction season.

E. Newberry Blvd. - 350 feet m/l West of N. Oakland Ave. to N. Farwell Ave. (SM495070083) File Number 080124: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$486,000 Additional Funds). The total estimated cost for this project including the requested amount is \$776,000. This project is anticipated to be completed during the 2008 construction season.

E. Riverside Pl. - N. Bartlett Ave. to N. Oakland Ave. (SM495070183) File Number 071167: Relay combined sewer. (Nonassessable Sewer Maintenance Relay Fund -- \$65,000). The total estimated cost for this project including the requested amount is \$77,000. This project is anticipated to be completed during the 2008 construction season.

4th Aldermanic District

N. 21st St. - A Point 100 feet north of W. Cherry St. to W. Galena St. (TD05888004) File Number 050276: Asphalt paving stage construction, construct sidewalk, construct curb and gutter, driveway approaches, sodding, grading and tree removal where necessary. (TID Nonassessable Paving Fund -- \$99,000). The total estimated cost for this project including the requested amount is \$99,000. This project is anticipated to be completed during the 2008 construction season.

4th and 15th Aldermanic Districts

W. Galena St. at N. 22nd St. (TD05888004) File Number 050276: Asphalt paving stage construction, construct sidewalk, construct curb and gutter, driveway approaches, sodding, grading and tree removal where necessary. (TID Nonassessable Paving Fund -- \$143,000). The total estimated cost for this project including the requested amount is \$143,000. This project is anticipated to be completed during the

2008 construction season.

7th and 10th Aldermanic Districts

N. 50th St. - 150 feet m/l North of W. Center St. to W. Locust St. (SM495070033) File Number 061380: Sanitary sewer lining and repair. (Nonassessable Sewer Maintenance Relay Fund -- \$131,000). The total estimated cost for this project including the requested amount is \$141,000. This project is anticipated to be completed during the 2008 construction season.

11th Aldermanic District

S. 55th St. (West Half) - W. Norwich St. to W. Howard Ave. (Sponsored by the City of Greenfield) (ST211080138) File Number 080387: Concrete pavement. (Nonassessable Reconstruction Paving Fund -- \$15,000). The total estimated cost for this project including the requested amount is \$15,000. This project is anticipated to be completed during the 2008 construction season.

15th Aldermanic District

N. 23rd St. - W. Brown St. to W. North Ave. (TD06584001) File Number 051275: Asphalt pavement reconstruction, replace all curb and gutter, sidewalk and driveway approaches, sodding, and grading. (TID Nonassessable Paving Fund -- \$295,000). The total estimated cost for this project including the requested amount is \$295,000. This project is anticipated to be completed during the 2008 construction season.

City Wide

Sewer exams as requested. (SM495080009) File Number 080387: (Nonassessable Sewer Maintenance Relay Fund -- \$60,000). The total estimated cost for this project including the requested amount is \$60,000. This project is anticipated to be completed during the 2008 construction season.

Storm water basin and drain replacement for 2008 paving projects. (SM495080049) File Number 080387: (Nonassessable Sewer Maintenance Relay Fund -- \$200,000). The total estimated cost for this project including the requested amount is \$200,000. This project is anticipated to be completed during the 2008 construction season.

City of Greenfield

W. Cold Spring Rd. - S. 51st St. to S. 60th St. (WT410071411) File Number 080124: Water main extension. (Nonassessable Water Fund -- \$1,400,000 Additional Funds). The total estimated cost for this project including the requested

amount is \$3,900,000. This project is anticipated to be completed during the 2008 construction season.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Commissioner of Public Works is authorized and directed to proceed with said work; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer such funds which are available for this purpose to the appropriate capital Project/Grant accounts.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Davis, Kovac, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Bauman, Wade Witkowiak

17. [080389](#) Substitute resolution approving levying of assessments and construction of assessable public improvement projects at various locations and appropriating funds for these purposes with the City cost of these projects approved by this resolution is estimated to be \$1,580,000 for a total estimated cost of \$1,734,000.

Whereas, The Common Council of the City of Milwaukee adopted preliminary resolutions, determining it necessary and in the public interest to construct and levy special assessments for the following improvements:

2nd Aldermanic District

W. Fiebrantz Ave. - W. Appleton Ave. to N. 76th St. (ST211080120) File Number 071168: Concrete pavement reconstruction, replace all curb and gutter, replace sidewalk and driveway approaches where necessary, sodding, grading, and tree removal where necessary. (Assessable Reconstruction Paving Fund -- \$25,000; Nonassessable Reconstruction Paving Fund -- \$75,000). The total estimated cost for this project including the requested amount is \$107,000. This project is anticipated to be completed during the 2008 construction season.

5th Aldermanic District

W. Lorraine Pl. - N. 95th St. to N. 94th St. (ST211080119) File Number 070782:

Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$51,000.00; Nonassessable Reconstruction Paving Fund -- \$100,000.00). The total estimated cost for this project including the requested amount is \$163,000.00. This project is anticipated to be completed during the 2008 construction season.

6th Aldermanic District

W. Brown St. - N. 6th St. to North-South Freeway (ST211080106) File Number 261231: Asphalt pavement resurfacing, replace curb and gutter, sidewalk and driveway approaches where necessary, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$80,000; Nonassessable Reconstruction Paving Fund -- \$255,000). The total estimated cost for this project including the requested amount is \$375,000. This project is anticipated to be completed during the 2008 construction season.

11th Aldermanic District

W. Eden Pl. - S. Sunset Dr. to S. Massachusetts Dr. (ST211020113) File Number 071491: Asphalt pavement resurfacing, sodding and grading. (Assessable Reconstruction Paving Fund -- \$36,000; Nonassessable Reconstruction Paving Fund -- \$125,000). The total estimated cost for this project including the requested amount is \$172,000. This project is anticipated to be completed during the 2008 construction season.

S. 75th St. - W. Howard Ave. to S. Massachusetts Dr. (ST211080102) File Number 061497: Asphalt pavement resurfacing, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$93,000; Nonassessable Reconstruction Paving Fund -- \$225,000). The total estimated cost for this project including the requested amount is \$353,000. This project is anticipated to be completed during the 2008 construction season.

12th Aldermanic District

S. 3rd St. - W. Florida St. to a Point 90 feet m/l north of W. Florida St. (ST211080116) File Number 070946: Asphalt pavement reconstruction, replace all curb and gutter, replace all sidewalk and driveway approaches, sodding, and grading. (Assessable Reconstruction Paving Fund -- \$26,000; Nonassessable Reconstruction Paving Fund -- \$75,000). The total estimated cost for this project including the requested amount is \$106,000. This project is anticipated to be completed during the 2008 construction season.

15th Aldermanic District

N. 34th St. - W. Brown St. to W. North Ave. (ST211070156) File Number 060244: Asphalt pavement resurfacing, replace all curb and gutter, sidewalk and driveway approaches, sodding, grading, and tree removal where necessary. (Assessable Reconstruction Paving Fund -- \$113,000.00; Nonassessable Reconstruction Paving Fund -- \$200,000.00). The total estimated cost for this project including the requested amount is \$346,000.00. This project is anticipated to be completed during the 2008 construction season.

Alley between W. Brown St., W. Fond du Lac Ave., N. 14th St. and N. N. 15th St. (ST212080113) File Number 071491: Concrete alley pavement reconstruction, replace some abutting walk or driveway approaches, grading, and storm drainage facilities where necessary. (Assessable Reconstruction Paving Fund -- \$46,000.00; Nonassessable Reconstruction Paving Fund -- \$55,000.00). The total estimated cost for this project including the requested amount is \$112,000.00. This project is anticipated to be completed during the 2008 construction season.

; and

Whereas, The report of the Commissioner of Public Works has been filed with the City Clerk; and

Whereas, Notices have been sent to all interested persons and public hearings held; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works' Report, as amended at said Public Hearing, is approved and the properties therein identified are benefited; and, be it

Further Resolved, That said Commissioner of Public Works is authorized and directed to proceed with said work in accordance with said report pursuant to Section 66.0703 and any other pertinent sections of the Wisconsin Statutes and in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the proper departments take such action as is required of them to assess the abutting or adjacent properties and collect such assessment in the manner directed by Section 115-42 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That the City Comptroller is authorized and directed to transfer

such funds which are available for this purpose to the appropriate capital Project/Grant accounts; and, be it

Further Resolved, That the projects do not involve any parcels of agricultural land which are eligible for deferred special assessments under the provisions of Section 14.30 of the Milwaukee City Charter; and, be it

Further Resolved, That the Department of Public Works is authorized to use the funding as specified in the above description of work; and, be it

Further Resolved, That projects: W. Fiebrantz Ave. (ST211080120), W. Lorraine Pl. (ST211080119), W. Brown St. (ST211080106), S. 75th St. (ST211080102), W. Eden Pl. (ST211020113), S. 3rd St. (ST211080116), N. 34th St. (ST211070156) and Alley W. Brown St. (ST212080113) will be billed after January 1, 2010, but not before 12 months after the project contract has been completed.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

18. [080395](#) Resolution directing the Department of City Development to prepare a resolution to vacate a portion of the east-west alley and a 7-foot wide portion of right-of-way along the west side of North 39th Street in the block bounded by West Lisbon Avenue, West Brown Street, North 39th Street and North 40th Street, in the 15th Aldermanic District.

Whereas, It has been proposed by the Department of City Development that a portion of the east-west alley and a 7-foot wide portion of right-of-way along North 39th Street in the block bounded by West Lisbon Avenue, West Brown Street, North 39th Street and North 40th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Department of City Development is directed to prepare a resolution to vacate said portions of alley and street in accordance with Section 308-28 of the Milwaukee Code of Ordinances.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

19. [080400](#) Resolution authorizing the proper City officials to execute Utility Agreements with the State of Wisconsin, Department of Transportation for work on City of Milwaukee facilities in conjunction with the North-South Mitchell Interchange IH-94 contract with a total estimated cost of \$4,443,000.00, with an estimated grantor share of \$3,998,700.00 and an estimated City share of \$444,300.00.

Whereas, The State of Wisconsin, Department of Transportation (WISDOT) has scheduled the rehabilitation of the North-South Mitchell IH-94 (NSMI) in the City of Milwaukee; and

Whereas, The Department of Public Works (DPW) has worked with the WISDOT over the past year in planning the design and construction phasing of the project to best meet the needs of the citizens of the City of Milwaukee (CITY) and of the region as a whole; and

Whereas, Work on the NSMI has been phased in four major contracts, being Contract I (South 27th Street; Airport Spur I; West Grange Avenue; West College Avenue) scheduled for 2009, Contract II (North Leg; West Layton Avenue; Walls; Airport Spur II) scheduled for 2010, and Contracts III & IV (Mitchell Interchange) scheduled for 2011 and 2012; and

Whereas, There will be substantial work required on CITY utilities as a result of the design and construction associated with these NSMI contracts; and

Whereas, Wisconsin Statutes 84.295(4m) indicates that the WISDOT will pay 90% of the cost of alteration, rehabilitation and relocation of Municipal utilities with the responsible jurisdiction liable for the remaining 10% of the cost; and

Whereas, It has been estimated that for the NSMI project, scheduled for 2009 within the CITY a total of approximately \$5 million in City utility alterations will be necessary; and

Whereas, It has been estimated that for the 2009 construction project costs of utility alterations for Water will be \$2,175,000.00 with a Grantor share of \$1,957,500.00 and a City share of \$217,500.00; Sewer will be \$1,233,000.00 with a Grantor share of \$1,109,700.00 and a City share of \$123,300.00; Cable will be \$300,000.00 with a Grantor share of \$270,000.00 and a City share of \$30,000.00; and Conduit will be \$735,000.00 with a Grantor share of \$661,500.00 and a City share of \$73,500.00; and

Whereas, In order for the City to be reimbursed for the 90% share of the utility alteration cost on the NSMI contract, the WISDOT requires the entering into a

Municipal Utility Agreements, in accord with relocation assistance policy; and

Whereas, The WISDOT has provided the City with the necessary Municipal Utility Agreements to facilitate reimbursement of the City costs in the alteration of City Water, Sewer, Cable and Conduit facilities for the 2009 construction work; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is hereby authorized and directed to execute the "Utility Agreements" one each for Milwaukee Water Works, one for Environmental Engineering, one for City of Milwaukee Cable and one for City of Milwaukee Conduit, all attached to this resolution by reference as though set forth in full; and, be it

Further Resolved, That the Commissioner of Public Works is hereby authorized and directed to review and/or prepare plans as necessary to accomplish the required utility alterations associated with the NSMI 2009 contract and is authorized to allow the WISDOT to include City utility work in the 2009 award contracts for City utility work and/or have the necessary utility work associated with the 2009 contract accomplished by City forces, whichever is deemed to be in the best interest of the City and NSMI project; and, be it

Further Resolved, That the funding to cover the 10% City cost of the NSMI Contract utility alterations for Water, Sewer, Cable and Conduit facilities estimated to be \$195,564.30, \$123,300.00, \$30,000.00, and \$73,500.00 respectively, are and/or will be placed in DPW Departmental Accounts as part of the City Budget process in budget years as necessary to accommodate the projects scheduling and the Local Accounts Receivable (LAR) billings; and, be it

Further Resolved, That the City Comptroller is hereby authorized and directed to create within the Capital Improvement Fund, Grant and Aid projects, the necessary Project/Grant Chatfield Values for engineering and construction for the projects (expenditure) and transfer to any of these accounts the amounts required under the grant agreement and City Accounting Policy but not to exceed a 10 percent increase of the total amounts reserved for the grantor's share and local share or \$5,000, whichever is greater, as follows:

Water Works Department Account Number
NS/I94 - Grange Avenue
1030-77-46
WT410081109
Fund 0420
\$217,500.00

Grantor Reimbursable Share

SP032080100

Fund 0306

\$197,421.30

Grantor Non-Reimbursable Share

\$1,760,078.70

Total Estimated Water Utility \$2,175,000.00

Environmental Engineering Account Number

NS/I94 - Grange Avenue

1030-77-47

SM495080018

Fund 0491

\$123,300.00

Grantor Non-Reimbursable Share

\$1,109,700.00

Total Estimated Sewer Utility \$1,233,000.00

Cable Account Number

NS/I94 - 27th Street

1030-70-48

ST270080700

Fund 0333

\$24,000.00

Grantor Reimbursable Share

SP032080100

Fund 0306

\$216,000.00

NS/I94 - College Avenue

1030-80-48

ST270080700

Fund 0333

\$6,000.00

 Grantor Reimbursable Share

SP032080100

Fund 0306

\$54,000.00

Total Estimated Cable Utility \$300,000.00

Conduit Account Number

NS/I94 - 27th Street

1030-70-49

ST280080204

Fund 0333

\$50,160.00

Grantor Reimbursable Share

SP032080100

Fund 0306

\$451,440.00

NS/I94 - Grange Avenue

1030-77-49

ST280080205

Fund 0333

\$6,750.00

Grantor Reimbursable Share

SP032080100

Fund 0306

\$60,750.00

NS/I94 - College Avenue

1030-80-49

ST280080206

Fund 0333

\$16,590.00

Grantor Reimbursable Share

SP032080100

Fund 0306

\$149,310.00

Total Estimated Conduit Utility \$735,000.00

Total Estimated Utility Agreements \$4,443,000.00

; And, be it

Further Resolved, That the City Engineer is hereby authorized and directed to make periodic payments as necessary to accommodate the work required for the NSMI Contract utility alterations as required under the aforementioned Utility Agreements.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

20. [080401](#) Resolution to authorize the naming of West Florida Street as a private road internal to the Rider Hotel development site located north of West Virginia Street and west of South 5th Street, in the 12th Aldermanic District.

Whereas, Rider Hotel, LLC is remodeling a building to be used as a hotel on the block north of West Virginia Street and west of South 5th Street and proposes to construct a private road through their property; and

Whereas, By the City formally recognizing this private roadway as West Florida Street, building addresses can be assigned to support mail delivery and emergency service responses; and

Whereas, Chapter 113-1 of the Milwaukee Code of Ordinances provides for the naming of private roads and Rider Hotel, LLC has provided a legal description of the limits of the private road; and

Whereas, As a condition of adopting this resolution, Rider Hotel, LLC is responsible for placing brown street name signs in accord with Chapter 113-1 at their cost, as well as placing and maintaining stop signs on vacated West Florida Street where it meets with South 5th Street to control vehicular traffic leaving the site; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the following private road be described as follows:

Part of vacated West Florida Street in Walker's Point, being a part of the Northeast Quarter (NE ¼) of Section 32, Township 7 North, Range 22 East, in the City of Milwaukee, County of Milwaukee, State of Wisconsin, bounded and described as follows:

Commencing at the northeast corner of Lot 5, Block 13, Walkers's Point; thence South 00°00'6" West along the east line and east line extended of said Lot 5, 121.51 feet to the place of beginning of the land hereinafter to be described; thence continuing

South 00°00'6" West 18.00 feet; thence North 89°59'54" West 90.00 feet; thence North 00°00'6" East 18.00 feet; thence South 89°59'54" East 90.00 feet to the place of beginning. Containing 1620 sq. ft. (0.0372 acres)

Further Resolved, That City departments are authorized to include West Florida Street in their data bases and on City maps as a private road.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

21. [080403](#) Resolution authorizing the proper City Officials to negotiate and execute a Memorandum of Understanding between the City of Milwaukee and the Wisconsin Department of Transportation regarding various elements of the North-South Freeway Reconstruction I-94, Mitchell Interchange Project.

Whereas, The North-South Freeway Reconstruction I-94, Mitchell Interchange (NSMI) which includes an area from the southerly limits of the City of Milwaukee to the Howard Avenue Interchange (north limit), a portion of IH-894 from IH-94 to 35th Street (west limit) and the airport spur from IH-94 to Howell Avenue has been determined to have reached its useful life by the State of Wisconsin Department of Transportation (WisDOT); and

Whereas, The State of Wisconsin has scheduled the reconstruction and reconfiguration of the NSMI commencing in the spring of 2009 and continuing through the construction season of 2016; and

Whereas, The City of Milwaukee will be affected by this project in many areas of its infrastructure; and

Whereas, The Department of Public Works (DPW) has been working closely with the WisDOT in examining the broad spectrum of facilities under its supervision in order to identify specific elements of City infrastructure that will be impacted by the NSMI project; and

Whereas, Those elements generally have been enumerated in a draft Memorandum of Understanding (MOU) between the City of Milwaukee and the Wisconsin Department of Transportation (WisDOT) which have been proposed by the WisDOT based on discussion among DPW and WisDOT staff; and

Whereas, The MOU generally reflects an understanding between the DPW and the

WisDOT on the process to implement the greater majority of individual project elements; and

Whereas, The timeframe of proceeding with the many elements satisfactorily negotiated is becoming critical to overall NSMI project scheduling; and

Whereas, It is now in the interest of both the City and the WisDOT to seek authority to allow the proper City officials to enter into the MOU so that the NSMI Project may proceed to the benefit of all parties; and

Whereas, The execution of the MOU may lead to negotiations and development of a number of separate agreements specific to individual elements of City participation in the numerous NSMI work contracts; and

Whereas, It is in the best interest of both the City and the WisDOT to also seek authority at this time to allow the proper City officials to enter into the multiple individual project element agreements as they are developed and as they become necessary; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the proper City officials are hereby authorized to negotiate and enter into a Memorandum of Understanding (MOU), a draft of which is attached to this file by reference and included in this file as though set forth in full, and necessary subsequent agreements between the City of Milwaukee and the State of Wisconsin Department of Transportation (WisDOT) regarding various elements associated with the rehabilitation of the North-South Freeway I-94, Mitchell Interchange (NSMI) to facilitate the City's overall participation in the project in a manner most beneficial to the City and its citizens; and, be it

Further Resolved, That non-substantive changes in the MOU may be made by the Commissioner of Public Works and/or the City Engineer in order to clarify, better define responsibilities as necessary and include additional non-financial elements as necessary; and, be it

Further Resolved, That any of the potential future agreements which may be necessary as a result of execution of this MOU that may require financial consideration will be brought forth for Common Council consideration and approval.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

22. [080404](#) Resolution authorizing the City Engineer to apply for ten Highway Safety Improvement Program grants.

Whereas, The Wisconsin Department of Transportation (WISDOT) is soliciting applications for funds under the Highway Safety Improvement Program (HSIP); and

Whereas, The HSIP is intended to reduce the number and severity of vehicle and pedestrian crashes; and

Whereas, The Department of Public Works (DPW) has identified ten projects for infrastructure related improvements; and

Whereas, DPW intends to submit applications for the following projects:

1. West Burnham Street and South 35th Street Intersection
 2. North 35th Street (3 Intersections)
 3. South Howell Avenue and West Layton Avenue Intersection
 4. West North Avenue from North 6th Street to North 9th Street
 5. North Sherman Boulevard (4 Intersections)
 6. Semi-actuated Installation (9 Local Street Intersections)
 7. Semi-actuated Installation (2 Connecting Highway Intersections)
 8. Pedestrian Countdown Timer Installation Grant #1 (84 Connecting Highway Locations)
 9. Pedestrian Countdown Timer Installation Grant #2 (86 Local Street Locations)
 10. Pedestrian Countdown Timer Installation Grant #3 (88 Local Street Locations)
- ; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee that the City Engineer is authorized to submit applications for the Highway Safety Improvement Program at the following locations:

1. West Burnham Street and South 35th Street Intersection
 2. North 35th Street (3 Intersections)
 3. South Howell Avenue and West Layton Avenue Intersection
 4. West North Avenue from North 6th Street to North 9th Street
 5. North Sherman Boulevard (4 Intersections)
 6. Semi-actuated Installation (9 Local Street Intersections)
 7. Semi-actuated Installation (2 Connecting Highway Intersections)
 8. Pedestrian Countdown Timer Installation Grant #1 (84 Connecting Highway Locations)
 9. Pedestrian Countdown Timer Installation Grant #2 (86 Local Street Locations)
 10. Pedestrian Countdown Timer Installation Grant #3 (88 Local Street Locations)
- ; and, be it

Further Resolved, That any successful grant projects will be brought to the Common Council for approval to enter into Project Agreements.

...Requestor

Department of Public Works

...Drafter

Infrastructure Services Division

RWB: nas

June 25, 2008

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

23. [080407](#) Resolution directing the Commissioner of Public Works to execute a document titled "Revised State/Municipal Agreement for a Highway Safety Improvement Project" with the Wisconsin Department of Transportation for intersection modifications at West Silver Spring Drive and North Teutonia Avenue.
- Whereas, A project agreement has been executed by the Wisconsin Department of Transportation (WISDOT) and the City of Milwaukee for intersection modifications at West Silver Spring Drive and North Teutonia Avenue with Common Council Resolution File Number 060592, adopted on September 26, 2006; and
- Whereas, This project agreement includes cost estimates for construction and traffic signals, signs, and street lighting; and
- Whereas, The City of Milwaukee has requested and the WISDOT has submitted a Revised Project Agreement that indicates separate cost breakdown for construction and traffic signals, signs and street lighting; and
- Whereas, This project is scheduled for construction in 2008, now therefore, be it
- Resolved, By the Common Council, that the Commissioner of Public Works is hereby authorized to execute the said Revised Project Agreement that indicates separate cost estimates for construction and traffic signals, signs and street lightings under the Highway Safety Improvement Program, copies of which is attached to the Common Council Resolution File 080407 and are incorporated in the resolution by reference as though set forth in full.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

24. [080430](#) Resolution relative to application for, and acceptance and expenditure of 2009 State of Wisconsin recycling grants.
Whereas, The City of Milwaukee appears to be eligible for 2009 Basic Recycling Grant funds from the Wisconsin Department of Natural Resources for continuation of the City's recycling program; and

Whereas, The operation of this grant-supported recycling program from January 1, 2009, through December 31, 2009, will cost \$11,200,000, of which \$7,670,000 (68%) will be provided by the City and \$3,530,000 (32%) will be provided by the grantor; and

Whereas, The State of Wisconsin also makes available Recycling Efficiency Incentive Grants to reward those communities that have demonstrated recycling program efficiencies by entering into cooperative agreements with other communities; and

Whereas, The amount of each Recycling Efficiency Incentive Grant is based on community population and will be approximately \$0.38 per capita for 2009; and

Whereas, There is no local/City share associated with the Recycling Efficiency Incentive Grant program; and

Whereas, The City of Milwaukee hereby requests financial assistance under s. 287.23, Wis. Stats., Chapters NR 542, 544 and 549, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s. 287.11(2)(a) to (h), Wis. Stats.; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the Commissioner of Public Works is authorized to act on behalf of the City of Milwaukee to submit an application for and accept financial assistance from the Wisconsin Department of Natural Resources under s. 287.23, Wis. Stats., Chapters NR 542, 544 and 549, Wis. Admin. Code, sign necessary documents, and submit a final report without further Common Council approval, unless the terms of the grant change in a manner described in s. 304-81 of the Milwaukee Code of Ordinances; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Encumber in the parent accounts of the 2009 Special Revenue Accounts-Grant

and Aid Projects the following amounts for the project entitled Basic Recycling Grant:

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Sub Class	R999
Account	000600
Project	Grantor Share
Amount	\$3,530,000

2. Create a Special Revenue Fund-Grant and Aid Projects and the necessary expenditure and revenue accounts, appropriate to these accounts the amounts required under the Grant Agreement, and transfer the corresponding offsetting estimated revenue; and

3. Establish the necessary Grant and Aid performance sub measures; and, be it

Further Resolved, That these funds are appropriated to the Commissioner of Public Works, who is authorized to:

1. Make expenditures from these funds for specified purposes, as indicated in the program budget.

2. Transfer funds within the project budget as long as the amount expended for each specific purpose does not exceed the amount authorized by the budget by 10% or more.

3. Make expenditures from the 2009 project budget for specific items of equipment, as indicated in the program budget; and

4. Enter into subcontracts and leases as detailed in the project budget.

; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to apply for a 2009 State of Wisconsin Recycling Efficiency Incentive Grant and to accept this grant without further Common Council approval, unless the terms of the grant change in a manner described in Common Council File Number 000000 (Grant and Aid Guidelines); and, be it

Further Resolved, That the Commissioner of Public Works is authorized and directed

to pursue new cooperation agreements with other communities for recycling initiatives that will lead to the efficient diversion of solid waste from landfills and fulfill the requirements of the Recycling Efficiency Incentive Grant program; and, be it

Further Resolved, That the City Comptroller is authorized to:

1. Commit funds within the Project/Grant Parent of the 2009 Special Revenue-Grant and Aid Projects fund, the following amount for the project titled "Recycling Efficiency Incentive Grant":

Project/Grant	GR0000900000
Fund	0150
Org	9990
Program	0001
Budget Year	0000
Subclass	R999
Account	000600
Project	Grantor Share
Amount	\$226,850

2. Create the necessary Special Revenue Fund-Grant and Aid Projects and Project/Grant levels, and budget against these Project/Grant values the amounts required under the grant agreement; and, be it

Further Resolved, That these funds are appropriated to the Commissioner of Public Works, who is authorized to:

1. Make expenditures from these funds for specified purposes, as indicated in the grant budget, and incur costs consistent with the award date.

2. Make expenditures from the 2009 project budget for equipment relating to the City's recycling program.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

25. [080431](#) Resolution authorizing the Commissioner of Public Works to enter into an agreement with Milwaukee County for the relocation of South 6th Street between Air Cargo Way and a point approximately 2600 feet south.

Whereas, General Mitchell International Airport (GMIA) is under directive from the Federal Aviation Administration to bring the runway safety areas at General Mitchell International Airport into compliance with Federal Aviation Administration design standards; and

Whereas, Part of becoming compliant includes shifting the east-west runway further west and creating a compliant runway safety area on each runway end; and

Whereas, The new westerly limits of the runway safe zone overlaps with the existing South 6th Street; and

Whereas, An alternative of constructing a tunnel under the existing South 6th Street was taken into consideration and found to be cost prohibitive; and

Whereas, The preferred and most cost effective alternative identified in the draft environmental assessment is the realignment of South 6th Street; and

Whereas, The realignment project entails developing and implementing a Storm Water Management Plan (SWMP), designing and constructing new roadway, new sanitary sewer, new storm sewer, new water main, and new street lighting system; and

Whereas, DPW will play the primary role in pertinent decision making such as planning, design, review, construction management, and the acceptance of all new City of Milwaukee public improvements; and

Whereas, GMIA has hired a consultant to assist in the development of the design plans, the SWMP and other necessary tasks; and

Whereas, The existing South 6th Street between Air Cargo Way and a point 2,600 feet south of Air Cargo Way will be vacated; and

Whereas, All existing city infrastructure within the to be vacated South 6th Street will either be abandoned or conveyed to Milwaukee County; and

Whereas, All costs associated with this project, including soft and hard costs, shall be funded by Milwaukee County; and

Whereas, The new City of Milwaukee right-of-way will be dedicated by the Milwaukee County utilizing a quit claim deed process at no cost to the City; and

Whereas, The Department of City Development has been informed of this project and does not have concerns of any impact on future development; and

Whereas, The project is on a very aggressive schedule which requires the construction of all proposed City and private utilities to start in January of 2009, and the roadway construction during the 2009 construction season; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the Out-of-Program Agreement attached to this file is hereby approved and the proper City officers are hereby authorized to execute said agreement on behalf of the City; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to accept funds from the Milwaukee County as outlined in the Out-of-Program Agreement for the purpose of preparing or reviewing design engineering plans and for the purpose of inspecting construction of the public improvements; and, be it

Further Resolved, that the Commissioner of Public Works is authorized to make minor, non-substantive changes to the Out-of-Program Agreement prior to its execution.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 11 - Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

Abstain: 1 - Hamilton

26. [080437](#) Resolution authorizing the execution of a Cooperation Agreement between the State of Wisconsin Department of Natural Resources, the Board of Business Improvement District No. 35 and the City of Milwaukee and authorizing the execution of a Project Cooperation Agreement between the Department of the Army and City of Milwaukee Acting by and through its Board of Harbor Commissioners in order to provide for implementation of the Kinnickinnic River Environmental Restoration Project.
- Whereas, the Kinnickinnic River in the City of Milwaukee is within the Milwaukee Estuary Area of Concern, and is contaminated with polychlorinated biphenyls and other contaminants; and
- Whereas, the Wisconsin Department of Natural Resources (“WDNR”) entered into a Project Agreement with the United States Environmental Protection Agency, represented by its Great Lakes Program Office, on June 22, 2007, as amended, to implement an environmental remediation project to remove contaminated sediments from the Kinnickinnic River between Kinnickinnic Avenue and Becher Street; and
- Whereas, the WDNR is the Non-Federal Sponsor for the Project and will provide a cost share to federal funds from state funds and in kind contributions from cooperating

third-parties as required by the Great Lakes Legacy Act; and

Whereas, City has indicated its willingness to cooperate with the DNR in implementation of the Project, including entry into a Partnership Agreement between the City, acting by and through its Board of Harbor Commissioners and the United States Army Corps of Engineers (“COE”) to secure disposal capacity for sediments dredged as part of the Project within the Jones Island Confined Disposal Facility; and

Whereas, the City created Business Improvement District No. 35 (“BID-35”) to facilitate street projects and improvements including the construction of adequate shoreline stabilization along the Kinnickinnic River, which is a necessary component of the Project; and

Whereas, in order to implement the Project a Cooperation Agreement (Kinnickinnic River Sediment Remediation Project) by and among the City, the WDNR, and BID-35 is required in order to coordinate Project implementation and financing; and

Whereas, a Term Sheet for the Cooperation Agreement (Kinnickinnic River Sediment Remediation Project) is attached to Common Council File No. 080437; and

Whereas, the Common Council has previously allocated up to \$500,000 in City funding for the Project pursuant to Common Council Resolution File No. 070714; and

Whereas, the Common Council desires to authorize the execution of the Cooperation Agreement in order to provide for implementation of the Project; now, therefore, be it

Resolved, by the Common Council of the City of Milwaukee that the proper City officials are hereby authorized and directed to finalize and execute said Cooperation Agreement, which shall be consistent with the terms and conditions set forth in the Term Sheet and in a form mutually acceptable to the Office of City Attorney, the Commissioner of the Department of City Development and the Municipal Port Director; and be it

Further Resolved, that the City Comptroller, in cooperation with the Municipal Port Director, is authorized and directed to establish any and all necessary sub accounts in accordance with accepted accounting practices and City guidelines necessary to maintain the fiscal control and carrying out the intent and purpose of this Resolution and to endorse any necessary instruments in accordance with the Term Sheet; and, be it

Further Resolved, that all City officials, Departments, Board and Commissions are directed to assist and cooperate in the implementation of said Project.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

27. [080438](#) Substiute resolution authorizing the Port of Milwaukee to apply for an August 2008 Harbor Assistance Grant to fund cargo handling improvements.
- Whereas, The City of Milwaukee appears to be eligible for grant funds from the Wisconsin Department of Transportation, Harbor Assistance Program; and
- Whereas, It is the mission of the Port of Milwaukee to enhance the overall economic environment of the region by stimulating trade, business, and employment; and
- Whereas, The Port of Milwaukee is planning a Pier / Channel Improvement and Related Work Project - specifically - Rehabilitation of cargo handling crane 15 and related work at 1225 S. Carferry Dr.; and
- Whereas, A Pier Improvement Project and related work, has been included in the approved Port Capital Improvements budget; and
- Whereas, A Pier Improvement Project and related work, has been approved by the City of Milwaukee's Common Council (meeting of 2/26/08) as part of the Port of Milwaukee's Three-Year Statement of Intentions, and has been submitted to the Wisconsin Department of Transportation; and
- Whereas, The project is estimated to cost approximately \$500,000 with \$400,000 coming from the Wisconsin Department of Transportation, Harbor Assistance Fund and \$100,000 coming from the approved 2008 capital budget; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Port of Milwaukee is authorized to apply for and accept the grant without further approval unless terms of the grant change as indicated in Common Council File 030712 (Grant Ordinance); and, be it
- Further Resolved, That the City of Milwaukee formally requests assistance for this project; and, be it
- Further Resolved, That the City Comptroller, upon acceptance of the Grant, is authorized and directed to create the appropriate Capital Grant Project account within the Port Capital Projects Fund 0481, and transfer the City share of \$100,000 from the capital project account PT180000200, Pier Berth Channel Improvements, and

transfer the grantor share of \$400,000 from the appropriate Special Projects Fund; and, be it

Further Resolved, That the Port of Milwaukee is authorized to expend these funds for the specified purpose as indicated in the grant agreement; and, be it

Further Resolved, That the Municipal Port Director is the representative of the Board of Harbor Commissioners authorized to sign agreements, forms, claims and other required documents binding upon said Board in connection with the application for the Wisconsin Harbor Assistance Program funds; and, be it

Further Resolved, That the City of Milwaukee hereby accepts all responsibilities for the operation and maintenance of the Project upon completion of the work funded under a Harbor Assistance Program grant; and, be it

Further Resolved, That this project is consistent with the Harbor Development Plan for the Port of Milwaukee; and, be it

Further Resolved, That this project is consistent with the Three-Year Harbor Development Statement of Intentions submitted by the Port of Milwaukee as required by s Trans 28.11; and, be it

Further Resolved, That the Board of Harbor Commissioners hereby agrees to provide to the Department, in a timely manner, additional analysis or documentation in support of the application, if necessary, for the review process; and, be it

Further Resolved, That the City of Milwaukee hereby agrees that it will provide such amounts of matching funds as may be required (up to a maximum amount of \$100,000) upon the signing of a grant agreement and at a time and manner specified by the Wisconsin Department of Transportation in the Grant Agreement; and, be it

Further Resolved, That the proper City officials and/or the Municipal Port Director are hereby authorized to sign the aforementioned Grant, enter into contracts, engage consultants and take whatever steps are necessary to complete the Grant without further Common Council approval.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

28. [080446](#) Resolution authorizing dedication of land in the vicinity of 5th and Rosedale as public right-of-way for the Chase Bike Trail and public street, in the 14th Aldermanic District.
- Whereas, By adoption of File No. 010473 on September 25, 2001, the Common Council of the City of Milwaukee approved acquisition and dedication of former railroad property between South 6th Street and East Washington Street for the Chase Bike Trail; and
- Whereas, The City of Milwaukee acquired an adjacent property at 520 West Rosedale Avenue through tax foreclosure in August 2006, but the lot has limited utility and development potential given its small size and irregular shape; and
- Whereas, The Department of Public Works has requested dedication of this lot together with land previously acquired for the Chase Bike Trail; and
- Whereas, The parcel at 520 West Rosedale Avenue is legally described below and is illustrated on Exhibit A, a copy of which is attached to this Common Council File:
- Outlot A, Freeway Industrial Park, a recorded subdivision in the Southeast 1/4 of Section 8, Town 6 North, Range 22 East, in the City of Milwaukee, Milwaukee County, Wisconsin; and
- Whereas, A portion of the former railroad land that was acquired for the Chase Bike Trail at 2744 South 6th Street includes land that was improved as West Rosedale Avenue under a license agreement with the Union Pacific Railroad Company and needs to be converted to public right-of-way; and
- Whereas, The land to be dedicated for West Rosedale Avenue is described below and is illustrated on Exhibit B, a copy of which is attached to this Common Council File:
- That part of Lands in the Southeast 1/4 of Section 8, Township 6 North, Range 22 East, described as follows: Commencing at the northwest corner of said 1/4 Section; thence South 00°18'40" East, along the west line of said 1/4 Section, 378.76 feet to a point on the southerly line of the former railroad right-of-way; thence North 83°22'50" East, along said southerly line and the northerly line of West Rosedale Avenue, 261.84 to a point of curve; thence Southeasterly, 150.72 feet along said northerly line and the arc of said curve which has a radius of 335.00 feet with its center lying to the south having a central angle of 25°46'39" and whose chord bears South 83°43'50" East 149.45 feet to a point on said curve and the point of beginning of the land to be described; thence continuing Southeasterly, 78.22 feet along the arc of said curve which has a radius of 335.00 feet with its center lying to the southwest having a central angle of 13°22'40" and whose chord bears South 64°09'10" East

78.04 feet to a point; thence North 89°11'06" East 48.58 feet to a point on a curve, said curve being the present northwesterly line of the intersection of West Rosedale Avenue and South 5th Court; thence Southwesterly, 101.75 feet along said present northwesterly line and the arc of said curve which has a radius of 655.05 feet with its center lying to the southeast having a central angle of 08°54'00" and whose chord bears South 50°08'24" West 101.65 feet to a point on a curve; thence Northwesterly, 107.90 feet along the arc of said curve which has a radius of 265.00 feet with its center lying to the southwest having a central angle of 23°19'48" and whose chord bears North 67°00'05" West 107.16 to a point on a curve, said curve being the present easterly line of West Rosedale Avenue; thence Northeasterly, 80.99 feet along said present easterly line and the arc of said curve which has a radius of 755.05 feet with its center lying to the southeast having a central angle of 06°08'44" and whose chord bears North 45°37'27" East 80.95 feet to the point of beginning; and

Whereas, The City Plan Commission has approved the dedication of these parcels as public right-of-way for the Chase Bike Trail and for West Rosedale Avenue; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that dedication of the tax deed vacant lot at 520 West Rosedale Avenue as public right-of-way for the Chase Bike Trail is approved; and, be it

Further Resolved, That the portion of 2744 South 6th Street that is improved as West Rosedale Avenue under a license agreement is approved to be dedicated as public street; and, be it

Further Resolved, That the Commissioner of the Department of City Development or designee is authorized to execute a deed or other document to dedicate the land as public right-of-way.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

29. [080449](#) Resolution accepting a gift of stone lions from Ningbo, China and accepting contribution of services of Licensed Customs Broker M.E.Dey & Co., Inc., in connection with their delivery

Whereas, Section 304-24 of the City of Milwaukee Code of Ordinances regulates the receipt, appropriation, and expenditure of contributions received by the City; and

Whereas, The Common Council of the City of Milwaukee resolved to support the efforts of Mayor Barrett to establish friendly exchanges between Milwaukee and Ningbo, China, well-known for its ancient port; and

Whereas, The Mayor traveled to Ningbo, China in 2005 to establish friendly relations between Ningbo and Milwaukee to advance mutually-beneficial exchanges involving business, educational institutions, sports and culture; and

Whereas, The City of Ningbo has donated to the City of Milwaukee a gift of two stone lions; and

Whereas, Stone lions are traditionally used to guard a building and those within; and

Whereas, Wu Hemin, Vice Mayor of Ningbo, will lead a delegation to Milwaukee arriving on July 20, 2008 and will formally present the gift to the people of Milwaukee on July 21, 2008; and

Whereas, The lions will be a lasting and powerful symbol of the friendly relationship between the two cities; and

Whereas, The lions will be shipped from China to Milwaukee and installed at the front entrance of the Zeidler Municipal Building; and

Whereas, Licensed Customs Broker M.E.Dey & Co., Inc., has agreed to contribute its services to assist the City with customs issues, including the filing of necessary documentation and the obtaining of a bond to cover any potential duties, taxes, and charges that may accrue; now therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City gratefully accepts the generous donation of two stone lions from the City of Ningbo; and be it

Further Resolved, That the City accepts with appreciation the contribution of services made by M.E.Dey Co., Inc., in connection with the shipment of the lions.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

CONFIRMATION OF THE FOLLOWING:

30. [080244](#) Appointment of Benjamin Gramling to the Milwaukee Metropolitan Sewerage District

by the Mayor. (7th Aldermanic District)

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

31. [080465](#) Reappointment of Ald. Hamilton to the Milwaukee Metropolitan Sewerage District by the Mayor.

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 11 - Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

Abstain: 1 - Hamilton

32. [080466](#) Reappointment of Wallace White to the Milwaukee Metropolitan Sewerage District by the Mayor. (9th Aldermanic District)

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

33. [080467](#) Reappointment of Representative Pedro Colon to the Milwaukee Metropolitan Sewerage District by the Mayor.

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

34. [080468](#) Reappointment of Representative David Cullen to the Milwaukee Metropolitan Sewerage District by the Mayor.

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

35. [080480](#) Reappointment of Craig Mastantuono to the Harbor Commission by the Mayor. (3rd Aldermanic District)

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

36. [080481](#) Reappointment of Ron San Felippo to the Harbor Commission by the Mayor. (4th Aldermanic District)

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

37. [080482](#) Appointment of Claude Krawczyk to the Harbor Commission by the Mayor. (4th Aldermanic District)

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

PLACING ON FILE THE FOLLOWING:

38. [060525](#) Resolution amending the water service agreement between the City of Milwaukee and the City of New Berlin to enlarge the service area to include the middle one-third area of the City of New Berlin.

**A motion was made by ALD. BAUMAN that this Resolution be PLACED ON FILE.
The motion PREVAILED by the following vote:**

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente,
Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

39. [071712](#) Resolution reserving and appropriating up to \$10,000 from the 2008 Common Council Contingent Fund for consulting services relating to evaluation of the sale of City of Milwaukee water to other localities.

**A motion was made by ALD. BAUMAN that this Resolution be PLACED ON FILE.
This motion PREVAILED by the following vote:**

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente,
Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

40. [080450](#) Communication from the Infrastructure Services Division relating to the Statement of Mid-Year Review for Financial Condition of the Sewer Maintenance Fund.

A motion was made by ALD. BAUMAN that this Communication-Report be PLACED ON FILE. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente,
Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

THE PUBLIC WORKS COMMITTEE FURTHER RECOMMENDS:

---The following items may be referred from the SPECIAL Public Works Committee meeting held on Tuesday, July 29, 2008 at 10:30 A.M.

41. [080054](#) Reappointment of Jeffrey Polenske to serve as the City Engineer by the Mayor.

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente,
Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

42. [080060](#) Reappointment of Jeffrey Mantes to serve as the Commissioner of Public Works by the Mayor.

A motion was made by ALD. BAUMAN that this Appointment be CONFIRMED. The motion PREVAILED by the following vote:

Aye: 11 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Witkowski, Zielinski Hines Jr.

No: 1 - Dudzik

Excused: 3 - Davis, Wade Witkowiak

43. [080457](#) Substitute resolution establishing terms and conditions by which the City of Milwaukee will provide water service to neighboring communities.

Whereas, The Water Works currently has significant excess capacity and could readily supply water to new customers; and

Whereas, The City of Milwaukee is widely recognized for its superior quality of drinking water, which may prompt requests for the Water Works to expand its service to new areas; and

Whereas, By providing water to other communities, the City, directly or indirectly, facilitates residential, industrial, retail and commercial growth in other communities; and

Whereas, This growth may result in lost opportunities for additional housing, jobs and tax base in the City of Milwaukee; and

Whereas, It is in the best interest of the City of Milwaukee that the Common Council establish procedures and policy criteria relating to potential agreements for water service to other communities so that such decisions can be based on timely, accurate and complete information; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the provisions set forth in Resolution File Number 980871, adopted April 20, 1999, and Resolution File Number 020459, adopted March 25, 2003, establishing policy and procedure for potential water service agreements, are rescinded, and a new policy addressing those matters is created; and, be it

Further Resolved, That this policy establishes procedures and policy criteria for potential water service agreements between the City of Milwaukee and other communities, as follows:

Requirements before negotiations of a potential agreement may occur

The following criteria must be met before any negotiation of a potential water service

agreement may be authorized:

- 1) The Water Works shall introduce and receive approval, via Common Council resolution, for the Water Works, the Legislative Reference Bureau (LRB) and the Department of City Development (DCD) to perform analysis, in accord with this policy, relating to a proposed water service agreement.
- 2) The City Clerk shall introduce a communication file to transmit Water Works, LRB and DCD analyses, and the report from the community which has applied for water service, and the Water Works, LRB, DCD and the community shall submit their analyses to the communication file not less than 7 working days prior to the date on which the file will be heard before the appropriate Council committee.

Reporting requirements

A. Milwaukee Water Works reporting requirements

The Milwaukee Water Works shall submit to the communication file a written evaluation of the water service request including a feasibility analysis of the proposed sale of water, which shall include, but not be limited to, increased revenue, cost of production, effect on the City's water rates, impact on capacity utilization and any required capital costs, and other information the Water Works deems relevant to the Council's consideration.

B. Legislative Reference Bureau reporting requirements

The LRB shall submit to the communication file a written report that analyzes and evaluates the following:

B-1. The reason for the request for water (e.g. is the request for water the result of a water shortage, water contamination, public health concerns, drought or some other conditions).

B-2. The economic profile of the community, including tax rate, assessed valuation per capita, median household income, per capita income and median home value.

B-3. Poverty rates, minority representation and other demographic and community characteristic data it finds to be pertinent.

B-4. The current status and an analysis of past and future trends relating to the availability of public transportation and affordable housing.

B-5. The environmental impact of the proposed sale.

B-6. Other information that the bureau finds pertinent to the Common Council's

consideration of the proposed water service request.

C. Department of City Development reporting requirements

The DCD shall submit to the communication file a written report that analyzes and evaluates the following:

C-1. Whether the water can be used directly or indirectly to facilitate new residential, industrial, retail or commercial development in the community which has applied for water service, and the value of such development and the number of new jobs and residents that such development will generate.

C-2. Potential negative social and economic impacts on the City due to lost opportunities for attracting new businesses and jobs to Milwaukee, and the loss of businesses and jobs that exist in Milwaukee.

C-3. The current land use patterns in the community which has applied for water service and expected trends in land use if Milwaukee provides water to the community.

D. Reporting requirements for the community which has applied for water service

In addition, for purposes of Common Council review, the community which has applied for water service from the City of Milwaukee shall submit a written report to the aforementioned communication file indicating that the community has adopted and implemented:

D-1. A comprehensive plan pursuant to s. 66.1001, Wis. Stats., and, if the plan has not been completed, indicate the status of the community's compliance with each of the 9 requirements which comprise s. 66.1001 (2), Wis. Stats.

D-2. A comprehensive housing plan and can demonstrate that such plan has resulted in the creation of affordable housing opportunities that have resulted in racial, age and income diversification, with data on the percentage of population in assisted and affordable housing that is age 30 or less, above age 30 and below 65, and age 65 and above.

D-3. A comprehensive public transportation plan and can demonstrate that such plan has resulted in the expansion and improvement of public transportation links between persons living in the City of Milwaukee and job opportunities in the community which has applied for water service. Such plan may include, but is not limited to, participation and inclusion in the Southeast Wisconsin Regional Transportation Authority or an equivalent entity.

3) The Water Works shall introduce and receive approval, via Common Council resolution directing the City negotiating team to begin negotiations with a community for a water service agreement, and any negotiations with a community which has applied for water service from the City of Milwaukee shall consider the analyses provided in the aforementioned communication file. The negotiating team shall be composed of the Mayor, or the Mayor's designee; the City Attorney, or the City Attorney's designee; the Superintendent of the Milwaukee Water Works; the Common Council President, or the President's designee; the Comptroller, or the Comptroller's designee; the Director of the Budget and Management Division, or designee; and one representative from the Legislative Reference Bureau. Before an agreement for water service may be executed the community which has applied for water service must enter into an intergovernmental agreement that contains a "non-compete" clause and an economic compensation provision that is substantially similar to the "Cleveland Agreement" which is attached to this file; provided, however, the precise amount of economic compensation shall depend on the particular circumstances of the community which has applied for water service.

; and, be it

Further Resolved, That the Common Council directs all City departments and agencies to cooperate with the Milwaukee Water Works, Legislative Reference Bureau and the Department of City Development in providing all necessary information for studies of proposed water service agreements pursuant to this resolution; and, be it

Further Resolved, That the policy set forth in this resolution does not apply to agreements referenced in Common Council File Numbers 080011 and 080012.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

44. [080012](#) Substitute resolution amending the Agreement between the City of Milwaukee and the City of New Berlin for the purchase of water at wholesale.

Identified as Amendment #7.

A motion was made by ALD. BAUMAN that this Resolution be AMENDED. The motion PREVAILED by the following vote:

Aye: 1 - Bauman

No: 11 - Hamilton, Kovac, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

Excused: 3 - Davis, Wade Witkowiak

Whereas, The Common Council under Resolution No. 071076 authorized the proper City officials to begin discussions and negotiations and directed preparation of studies in accordance with the City of Milwaukee's procedure and policy criteria for sale of water under Common Council File No. 980871 and 020459; and

Whereas, discussions and negotiations have resulted in the attached First Amendment to Agreement Between the City of Milwaukee and the City of New Berlin for the Purchase of Water at Wholesale; and

Whereas, The City of New Berlin will subsequently take this agreement before their Common Council for approval; now, therefore, be it

Resolved, By the Common Council of The City of Milwaukee, that the proper City officials are hereby authorized and directed to execute the First Amendment to Agreement Between the City of Milwaukee and the City of New Berlin for the Purchase of Water at Wholesale attached to this File; and be it

Further Resolved, That the Water Works file, with the Public Service Commission of Wisconsin, a fully executed copy of the Amendment.

Ald. Bauman moved to amend File 080012 by substituting the map of the proposed water service area expansion in Appendix B-1 of the First Amendment to Agreement, which is attached to the file, with the MMSD service area map, and to amend the Agreement to state that the expansion of water service in New Berlin shall include only the current MMSD service area, as directed in Resolution File Number 071076, adopted December 11, 2007, and, to direct the appropriate City officials to re-draft the Agreement between the City of Milwaukee and the City of New Berlin to reflect this change in water service area.

(ANALYSIS

Resolution File Number 071076, adopted December 11, 2007, directed the proper city officials to begin discussions and negotiations with the City of New Berlin relative to supplying water for use by those residents in the west side of the city who are served by MMSD, rather than the residents on the west side of the city of New Berlin who will eventually be served by MMSD.

The current map in the file, Appendix B-1 in the Agreement, defines the expanded water service area as the area currently served by MMSD and the area that will be eventually served according to the MMSD 2020 Facilities Plan.

This motion substitutes that map such that the expanded water service area will include only the current MMSD service area.)

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 9 - Hamilton, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski Zielinski

No: 3 - Kovac, Bauman Hines Jr.

Excused: 3 - Davis, Wade Witkowiak

45. [080459](#) Substitute resolution reserving and appropriating up to \$50,000 from the Department of Public Works - Water Works budget for consulting services relating to development of a methodology for the evaluation of the sale of City of Milwaukee water to other localities.
- Whereas, The City of Milwaukee Department of Public Works- Water Works is the drinking water utility owned by the City of Milwaukee and regulated by the Public Service Commission of Wisconsin (PSC), the U.S. Environmental Protection Agency and the Wisconsin Department of Natural Resources; and
- Whereas, The Water Works provides drinking water, fire suppression and public health protection to residents and businesses in the City of Milwaukee and 15 neighboring communities, and its mission is to provide safe and reliable drinking water to its customers; and
- Whereas, The Water Works currently has the capacity to annually pump and treat billions more gallons of water than it sells, and has the ability to expand its service to additional communities; and
- Whereas, However, the provision of Milwaukee water to other communities may facilitate economic development, create and preserve jobs, improve property values, and advance the economic welfare of the inhabitants and businesses within those communities; and
- Whereas, The provision of Milwaukee water to other communities may have negative economic impacts for the City through the loss of economic development that may otherwise have occurred within the City; and
- Whereas, The City seeks to quantify the economic impacts of potential future water service contracts between the City of Milwaukee and other communities utilizing an applicable methodology; now, therefore, be it
- Resolved, By the Common Council of the City of Milwaukee, that the Department of Administration - Business Operations Division is directed to issue a Request for

Proposals that is substantially in the same form as the copy which is attached to this resolution, for the development of a methodology for the evaluation of the economic impacts of potential future water service contracts between the City of Milwaukee and other communities, and enter into a contract with the winning vendor; and, be it

Further Resolved, That proposals shall be rated and a winning vendor shall be selected by an RFP evaluation committee composed of the Common Council President or designee; Water Works Superintendent or designee; the Department of City Development Commissioner or designee; the Director of the Budget and Management Division; the Director of the Department of Administration or designee; and a representative from the Legislative Reference Bureau - Office of the City Clerk; and, be it

Further Resolved, That up to \$50,000 from the Department of Public Works - Water Works (account number 0410-6411-634001-0364-R999) is reserved and shall be appropriated to enter into a contract with the winning bidder.

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

46. [080398](#) Substitute Resolution to execute a Guaranteed Energy Savings Performance Contract with Johnson Controls, Inc. for energy system upgrades to the Milwaukee Safety Academy Building controls and equipment, and upgrade of traffic control signals to utilize Light Emitting Diode (LED) indications.

Whereas, Section 66.0133 of Wisconsin State Statutes permits local governments to enter into a performance contract with a qualified provider to reduce energy or operating costs if the amount spent on the energy conservation and system improvement measures are not likely to exceed the amount to be saved in energy and operating costs over a specified period of time; and

Whereas, As directed under Common Council File Number 070855 adopted on October 23, 2007, Johnson Controls, Inc. has completed a first phase energy audit of building systems and equipment at the Milwaukee Safety Academy and a selected portion of the City's traffic signal system consistent with requirements established in Section 66.0133 of Wisconsin State Statutes; and

Whereas, Pursuant to the requirements of Section 66.0133 of Wisconsin State Statutes, this first phase energy audit has: 1.) defined a series of improvement measures to be implemented to achieve energy savings; 2.) defined and produced an

estimate of all costs associated with the design, installation, operation, repairs, maintenance and financing of recommended energy conservation and improvement measures where anticipated implementation costs for the City are not likely to exceed the amount to be saved in energy and operation costs over the remaining useful life of the facilities to which these improvements are made; and 3.) has determined a minimum guaranteed amount by which energy or operating costs will be reduced through implementation of the recommended energy conservation and improvement measures as required; and

Whereas, Energy saving improvements proposed under the first phase energy audit for the Milwaukee Safety Academy facility include the installation of high efficiency boilers, HVAC system and control improvements, water conservation improvements, and high efficiency lighting retrofits; and

Whereas, Energy saving improvements proposed under the first phase energy audit for the City's traffic control signal system include the replacement of incandescent lamps in traffic signals at 198 intersections in the City of Milwaukee with energy saving Light Emitting Diode (LED) signal indications; and

Whereas, The total cost of implementation of the defined energy savings improvements at the Milwaukee Safety Academy is \$724,869 and for the City's traffic signal system is \$1,611,453, or a total cost of \$2,336,322 for project implementation; and

Whereas; The fee for Measurement and Verification Services to be performed by Johnson Controls, Inc. under this contract is \$140,357 for work to be performed in conjunction with improvements implemented at the Milwaukee Safety Academy and \$28,421 for work performed in conjunction with signal system improvements, which services are cancelable at any time during the term of this contract; and

Whereas, The total cost of the project on this basis would be \$2,505,100; and

Whereas, The proposed project appears to be eligible for grant funds provided by Focus On Energy for implementation of energy saving projects in the amount of \$154,707, application for which is to be made by Johnson Controls and will be applied to the City costs noted above for these improvements upon approval of this Grant, thereby reducing the total project cost to \$2,350,393; and

Whereas, The total savings anticipated to be achieved in energy, operating and utility costs under this project for the period from 2008 through 2019 at the Milwaukee Safety Academy is \$1,022,875, and for the City's traffic signal system is \$3,559,294, or a total savings of \$4,582,169 estimated to be achieved through project implementation; and

Whereas, Johnson Controls guarantees that the City will achieve \$1,280,923 in Total Guarantee Project Benefits over the three year term of the energy savings performance contract; and

Whereas, A Review Committee appointed by the President of the Common Council has reviewed the first phase energy audit prepared by Johnson Controls, Inc. for the proposed energy savings project and has found the project to be consistent with the requirements established for the award of energy savings performance contracts under Section 66.0133 of Wisconsin State Statutes; and

Whereas, An energy savings performance contract has been negotiated for implementation and financing of recommended energy conservation and improvement measures; and

Whereas, Final award of this Energy Savings Performance Contract can be made by the Common Council of the City of Milwaukee in accordance and consistent with all requirements of Section 66.0133 of Wisconsin State Statutes; and

Whereas, The Department of Public Works desires to use currently available funds to execute the contract until contingent borrowing authority resolution for the project is subsequently approved by the Common Council; and

Whereas; Capital Improvement Purpose Funds are available in the interim for this purpose in Facilities Systems Account BU11091200 for improvements to be implemented at the Milwaukee Safety Academy, and in the Infrastructure Services Division's 2008 Capital Purpose Project Account Number ST320080000 for traffic signal improvements; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, That the proposed energy system upgrades to the Milwaukee Safety Academy Building controls and equipment, and upgrade of traffic control signals to utilize Light Emitting Diode (LED) indications, has been determined to meet all requirements established for award of an energy savings performance contract under Section 66.0133 of Wisconsin State Statutes; and, be it

Further Resolved, That the Energy Savings Performance Contract for implementation of these energy savings improvements, a draft copy of which is attached to this file and incorporated as though set forth in full, be awarded to Johnson Controls, Inc.; and, be it

Further Resolved, That the City Attorney is hereby authorized to finalize the Energy Savings Performance Contract with non-substantive changes; and, be it

Further Resolved, That the Commissioner of Public Works and Comptroller are hereby authorized to execute the Energy Savings Performance Contract with Johnson Controls on behalf of the Common Council; and, be it

Further Resolved, That the Department of Public Works prepare and submit a report to the Common Council following completion of project implementation assessing actual performance under the contract, to include: 1.) how the vendor performed in terms of on time, on budget, project completion; 2.) updated expectations regarding energy savings from the improvements included in the project compared to the anticipated savings; 3.) what changes, if any, would have likely increased vendor incentives to perform and be held accountable; 4.) whether a performance contract approach should be considered for implementing eligible improvements in the future; and 5.) recommendation as to if a performance contract approach is justified, and for what types of projects should performance contracting be expected to provide significant economic value over competitive bidding, and be it

Further Resolved, That upon approval of this contract, the City Comptroller is hereby authorized to create the appropriate Project Chartfield Value for this project, and transfer to these accounts the amount required under the agreement and City Accounting Policy, but not to exceed a ten percent increase of total amounts reserved or \$5,000, whichever is greater as follows:

Guaranteed Energy Saving Performance Contract

Milwaukee Safety Academy

Project Number BU11091200

Estimated Costs

Facility Improvement Costs - \$724,869

Measurement and Verification Costs - \$140,357

Total Costs - \$865,226

Traffic Signal System Improvements

Project Number ST320080000

Estimated Costs

Signal Improvement Costs - \$1,611,453

Measurement and Verification Costs - \$28,421

Total Costs - \$1,639,874

Total Project Cost - \$2,505,100

A motion was made by ALD. BAUMAN that this Resolution be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

Various communications from City officers were read and ordered on file without objection.

080501

Resolution approving various final certified survey maps.

Resolved, By the Common Council of the City of Milwaukee, that the following certified survey maps be and hereby are approved:

NAME	TAX KEY NUMBER(S)
Pallotine Fathers & Brothers, Inc. And St. Vincent Pallotti Congregation (DCD #2679)	4049976110, 4049978111
Mary Ann Geisler (DCD #2681)	4000908000 and part of 4000909000
Gloria D. Wren (DCD #2689)	3890817100, 3890815000
Stephen L. Panlener and Michael J. Quartana (DCD #2691)	5000283000, 5000282000
BP Property Owners No. 2 LLC (DCD #2693)	3620483000

A motion was made by ALD. MURPHY that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

080531

Resolution authorizing the Commissioner of Public Works to enter into an agreement with Northwestern Mutual Life Insurance Company relative to the installation and relocation of utilities located within vacated North Cass Street between East Wisconsin Avenue and East Mason Street.

Whereas, The City has an easement within vacated North Cass Street between East Wisconsin Avenue and East Mason Street in the City of Milwaukee, and there are City owned utilities in that easement; and

Whereas, Northwestern Mutual wishes to install a pipe chase within the easement; and

Whereas, The City of Milwaukee and The Northwestern Mutual Life Insurance Company have agreed that cooperative effort relative to the placement of the Utilidor above the City's utilities will be to the benefit of each party and the general public; and

Whereas, The City of Milwaukee and The Northwestern Mutual Life Insurance Company have reached agreement regarding the commitments necessary to accomplish the installation of the Utilidor and protection of City utilities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Commissioner of Public Works is directed to execute the Cooperation Agreement between the City of Milwaukee and The Northwestern Mutual Life Insurance Company attached to this File.

A motion was made by ALD. MURPHY that this Resolution-Immediate Adoption be ADOPTED. The motion PREVAILED by the following vote:

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente, Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

[080534](#)

Resolution urging the U.S. Congress to pass the Great Lakes Compact.

Whereas, Water is central to our economy, trade, industry, health, recreation and quality of life; and

Whereas, The purposes of the Great Lakes Compact are, through means of joint or cooperative action:

1. To promote the orderly, integrated, and comprehensive development, use, and conservation of the water resources of the Great Lakes Basin.
2. To plan for the welfare and development of the water resources of the Basin as a whole as well as for those portions of the Basin which may have problems of special concern.
3. To make it possible for the states of the Basin and their people to derive the maximum benefit from utilization of public works, in the form of navigational aids or otherwise, which may exist or which may be constructed from time to time.
4. To advise in securing and maintaining a proper balance among industrial, commercial, agricultural, water supply, residential, recreational, and other legitimate uses of the water resources of the Basin.
5. To establish and maintain an intergovernmental agency that the purposes of this compact may be accomplished more effectively.

; and

Whereas, The Great Lakes Compact has been ratified by all 8 Great Lakes states;
now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the U.S. Congress
is urged to pass the Great Lakes Compact; and, be it

Further Resolved, That the Intergovernmental Relations Division-Department of
Administration is directed to use its best efforts to support passage of the Compact;
and that the City Clerk send certified copies of this resolution to each member of the
Wisconsin U. S. Congressional delegation.

**A motion was made by ALD. MURPHY that this Resolution-Immediate Adoption be
ADOPTED. The motion PREVAILED by the following vote:**

Aye: 12 - Hamilton, Kovac, Bauman, Bohl, Coggs, Donovan, Puente,
Murphy, Dudzik, Witkowski, Zielinski Hines Jr.

No: 0

Excused: 3 - Davis, Wade Witkowiak

Various announcements were made.

There being no further business to come before the Common Council, the meeting was adjourned at
1:08 p.m.